By Mrs. MURRAY:

S. 1085. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issued to acquire renewable resources on land subject to conservation easement; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI (for himself and Mr. WELLSTONE):

S. 1074. A bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS; to the Committee on Finance.

AMYOTROPHIC LATERAL SCLEROSIS (ALS) TREATMENT AND ASSISTANCE ACT OF 1999

Mr. TORRICELLI. Mr. President, I rise today to introduce legislation that will improve the lives of 30,000 Americans, 850 of whom live in my State of New Jersey, who are stricken with Amyotrophic Lateral Sclerosis (ALS).

Many of us know Amyotrophic Lateral Sclerosis (ALS) as the disease that struck down the famed Yankees 1st baseman, Lou Gehrig, yet, few of us are aware of the tragic effects ALS has on its victims. Fewer still are aware of the inherent flaws in the Medicare program which further compound the suffering of those with ALS.

Despite the short life expectancy of three to five years, ALS patents must endure a two year waiting period in order to receive Medicare services. Forcing ALS patients to wait until the final months of their illness defies common sense and human decency. In fact, as a result of the Medicare waiting period, approximately 17,000 ALS patients remain ineligible for Medicare services right now, regardless of the severity of their condition.

My bill, the ALS Treatment, and Assistance Act waives the 24-month Medicare waiting period for ALS patients. A similar waiver is granted for victims of end-stage renal disease due to the rapid onset of symptoms. The immediacy of symptoms in ALS patients and extremely short life expectancy illustrate the need to extend the waiver for ALS. In addition, many ALS victims have had productive lives and will have paid into the Social Security system well before the onset of ALS.

The legislation also requires Medicare to provide coverage for all FDA-approved drugs that treat ALS. While Medicare typically does not provide coverage for prescription drug therapies, over the past few years, exceptions have been granted to provide drug coverage to treat osteoporosis and certain types of cancer. Due to the rapid onset of symptoms and the short life expectancy of ALS patients, the need for another exception is clear. In addition, expanding Medicare coverage for ALS therapies will stimulate further research.

ALS is a disease that strikes at every community, with the potential for striking every American. No one is immune, and everyone is vulnerable. I am pleased to be joined by my colleague Senator WELLSTONE in introducing legislation that represents a first real step toward improving the quality of life for people with ALS while bringing us much closer to finding a cause and a cure.

Mr. President, I ask at this time that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the ''Amyotrophic Lateral Sclerosis (ALS) Treatment and Assistance Act of 1999''.

(b) FINDINGS.—Congress finds the following:

(1) Amyotrophic Lateral Sclerosis (ALS), commonly known as Lou Gehrig's Disease, is a progressive neuromuscular disease characterized by a degeneration of the nerve cells of the brain and spinal cord leading to the wasting of muscles, paralysis, and eventual death.

(2) Approximately 30,000 individuals in the United States are afflicted with ALS at any time, with approximately 5,000 new cases appearing each year.

(3) ALS usually strikes individuals who are 50 years of age or older.

(4) The life expectancy of an individual with ALS is 3 to 5 years from the time of diagnosis.

(5) There is no known cure or cause for ALS.

(6) Aggressive treatment of the symptoms of ALS can extend the lives of those with the disease. Recent advances in ALS research have produced promising leads, many related to shared disease processes that appear to operate in many neurodegenerative diseases.

(c) PURPOSES.—It is the purposes of this Act—

(1) to assist individuals suffering from ALS by waiving the 24-month waiting period for medicare eligibility on the basis of disability for ALS patients; and

(2) to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

SEC. 2. WAIVER OF 24-MONTH WAITING PERIOD FOR MEDICARE COVERAGE OF INDIVIDUALS DISABLED WITH AMYOTROPHIC LATERAL SCLEROSIS (ALS).

(a) IN GENERAL.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended—

(1) by redesignating subsection (h) as subsection (j) and by moving such subsection to the end of the section; and

(2) by inserting after subsection (g) the following:

''(h) For purposes of applying this section in the case of an individual medically determined to have amyotrophic lateral sclerosis (ALS), the following special rules apply:

''(1) Subsection (b) shall be applied as if there were no requirement for any entitlement to benefits, or status, for a period longer than 1 month.

''(2) The entitlement under such subsection shall begin with the first month (rather than twenty-fifth month) of entitlement or status.

''(3) Subsection (f) shall not be applied.''.

(b) CONFORMING AMENDMENT.—Section 1837 of such Act (42 U.S.C. 1395p) is amended by adding at the end the following:

''(j) In applying this section in the case of an individual who is entitled to benefits under part A pursuant to the operation of section 226(h), the following special rules apply:

''(1) The initial enrollment period under subsection (d) shall begin on the first day of the first month in which the individual satisfies the requirement of section 1836(1).

''(2) In applying subsection (g)(1), the initial enrollment period shall begin on the first day of the first month of entitlement to disability insurance benefits referred to in such subsection.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for months beginning after the date of the enactment of this Act.

SEC. 3. MEDICARE COVERAGE OF DRUGS TO TREAT AMYOTROPHIC LATERAL SCLEROSIS (ALS).

(a) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (S);

(2) by striking the period at the end of subparagraph (T) and inserting ''; and''; and

(3) by adding at the end the following:

''(U) any drug (which is approved by the Commissioner of Food and Drugs under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355)) or biological (which is licensed by the Secretary of Health and Human Services under section 351 of the Public Health Service Act (42 U.S.C. 262)) prescribed for use in the treatment of amyotrophic lateral sclerosis (ALS) or the alleviation of symptoms relating to ALS.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to drugs furnished on or after the first day of the first month beginning after the date of enactment of this Act.

By Mr. SPECTER:

S. 1076. A bill to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, education, and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS BENEFITS ACT OF 1999

Mr. SPECTER. Mr. President, today I have introduced a major piece of veterans legislation, the proposed Veterans Benefits Act of 1999. This bill is a so-called omnibus measure which will serve as the basis, and the platform, for much of the legislative work to be accomplished this year by the Committee on Veterans' Affairs.

In the past, the Committee on Veterans' Affairs has considered bills on a more piecemeal basis than is reflected in the larger bill that I have introduced today.

In times past, the Committee on Veterans' Affairs has come to the Senate floor with numerous, separate bills to address the various matters that the committee typically faces: annual cost-of-living adjustments, reauthorizations of ''sunsetting'' programs and

authorities, medical care reforms, nonmedical benefits programs improvements, and the like. With the bill I have introduced today, I propose that such matters be folded into a single bill. That bill, then, will be the central focus of a major hearing.

At that hearing, the committee will have the opportunity to hear the views of the Secretaries of Veterans Affairs and the Army; other senior VA officials, including the VA Under Secretaries who are responsible for VA's major operating entities; the major veterans service organizations (The American Legion, the VFW, the Disabled American Veterans, the Paralyzed Veterans of America, and AMVETS); unions representing the rank and file of VA employees; and, finally, associations representing VA's professional cadre of physicians, dentists, and nurses.

By bringing all of the major issues to the fore at one time, and by bringing all of the interested parties together into one room at one time, I believe that the committee will be better positioned to advance this year's legislative agenda in an organized and systematic manner. Such an approach will not necessarily ease the work of the committee, or this body. It will, however, facilitate the placing of issues and initiatives into some order of priority.

The need to recognize priorities has characterized the committee's approach to its work this year. During the first half of this year, the committee has devoted its attention almost entirely on the proposed fiscal year 2000 budget. As this body recognized when it ordered an increase in spending caps on veterans account spending in the fiscal year 2000 budget resolution, the Administration's proposal to keep the VA's health care budget flat for the fourth straight year was clearly unacceptable. Congress ordered an increase of approximately 10 percent in that budget—an action that I, and the committee's ranking minority member, Senator JAY ROCKEFELLER, were urging as early as last fall. We now must proceed through the appropriations process—a process that the Veterans' Affairs Committee, and the veterans service organizations, will watch very closely.

Having heretofore focused principally on the budget, the committee will now turn to its authorizing business. The bill I introduced today opens, at title I, with the committee's first priority: the granting of cost-of-living adjustments to the cash benefits paid monthly by VA in the form of compensation to the 2.3 million veterans who have suffered service-connected disabilities, and benefits for 320,000 surviving spouses and children of veterans who have died in military service or due to service-related injuries and illnesses. Those who are disabled due to service rely on these benefits. They surely merit cost-of-living adjustments.

My bill, secondly, proposes to increase by 13.6% the most valuable ''readjustment'' benefit that is enjoyed—and earned—by the Nation's young veterans: their Montgomery GI bill educational assistance benefits. The ''blue ribbon'' Commission on Servicemembers and Veterans Transition Assistance made a number of recommendations on this point. Most notably, it cited the fact that, unlike times past, veterans' educational assistance benefits no longer come close to affording the veteran an opportunity to return to school on a full time basis after service. The Commission has recommended that, for new enlistees, VA pay full tuition benefits and, in addition, pay an allowance for books and fees and, finally, a monthly living stipend. The committee will consider this proposal further. In the meantime, however, it is appropriate for the committee to address what it might do to make higher education and other training opportunities available to persons who are in the service today. My bill would increase their benefits in recognition of the increased costs of education.

In addition, this bill would make needed changes in statutory authorities under which VA health care is provided. At the outset, I note that the single largest unmet medical need faced by the World War II/Korea generation of veterans is quality long-term care. In addition to providing hospital care and, increasingly, outpatient-based clinical care, VA provides some nursing home care and other types of long term care. But VA hardly scratches the surface of demand for such care. The solution, of course, is funding—funding that has been surely deficient.

VA funding problems must be addressed by the Appropriate Committee, a committee on which I am proud to serve. However, the authorizing committee, which I am proud to chair, has its role to play too. The authorizing committee can free VA from unnecessary legal strictures which impede its efficient delivery of care. Many such impediments were eliminated by recent ''eligibility reform'' legislation. Some, however, remain.

For example, VA is now authorized to provide adult day health care services, services which help the veteran—and the taxpayer—by keeping potential patients out of hospitals and nursing homes. It can do so, however, only if the veteran in question was, first, a hospital or nursing home patient. Thus, VA caregivers have an incentive to hospitalize people so that they will be authorized to provide the type of care that will allow the patient to avoid hospitalization. To my way of thinking, this makes no sense.

Similarly, VA is authorized to provide ''respite care,'' that is, short term care which frees the day-to-day care giver, typically an aging spouse, to attend to his or her needs. But VA can do so only within the four walls of a VA medical facility. Often, it is more effieient—and surely it is more convenient from the patient's and spouse's standpoint—for a respite care provider to go to the home of the patient, as opposed to requiring the patient to be brought into the hospital or long term care center. But VA is precluded by statute from providing respite care in the veteran's home, even when it is clearly in VA's and the patient's interests for it to do so. This, too, makes no sense to me. The bill I have introduced today would clear away these two impediments to the efficient delivery of VA care. Further, it would reauthorize current programs which have proved their worth.

In the veterans benefits arena, one sensitive matter is now ripe for action. It is time, I think, for clear standards to be established for eligibility for burial in Arlington National Cemetery. And they should be set by Congress.

Remarkably, standards governing eligibility for burial in Arlington have never been put into place by statute. Rather, they are purely a product of administrative fiat. Indeed, in one of the most highly sensitive areas—the granting of ''waivers'' to allow the burial of distinguished persons who are not otherwise eligible for burial in Arlington—there has never even been a formal rulemaking to guide cemetery officials. Rather, the granting of waivers has evolved on a purely customary, and ad hoc, basis.

Dealing with waiver requests on an ad hoc basis gives rise, at best, to suspicion of improper influence. At worst, if fans fears of outright abuse of power. Now, I will not rehash a recent case where it was alleged—I think inaccurately—that Arlington burial rights were ''sold'' to a political contributor. Suffice it to say, however, that when it comes to the most sacred of grounds, Arlington National Cemetery, there can be no suggestion whatsoever of improper influence. Surely, there are some honors that no amount of money or level of influence can buy. Perpetual rest in Arlington is clearly one of those honors.

Mr. President, I could go on at considerable length, but many provisions of this bill speak for themselves. As I have noted, the Committee on Veterans' Affairs has not yet had hearings on these specific legislative proposals. Accordingly, they are still works in progress. But they are works in progress that I intend to advance sooner rather than later, by this summer at the latest. The Nation's veterans deserve that kind of attention, and they are getting it from the Committee on Veterans' Affairs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Benefits Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—COMPENSATION COST-OF-LIVING ADJUSTMENT

Subtitle A—Compensation Cost-of-Living-Adjustment

SEC. 101. SHORT TITLE.

This subtitle may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment Act of 1999''.

SEC. 102. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1999, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1999.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1999, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 103. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2000, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 102, as increased pursuant to that section.

Subtitle B—Compensation Rate Amendments

SEC. 111. DISABILITY COMPENSATION.

(a) INCREASE IN RATES.—Section 1114 is amended—

(1) by striking ''$95'' in subsection (a) and inserting ''$96'';

(2) by striking ''$182'' in subsection (b) and inserting ''$184'';

(3) by striking ''$279'' in subsection (c) and inserting ''$282'';

(4) by striking ''$399'' in subsection (d) and inserting ''$404'';

(5) by striking ''$569'' in subsection (e) and inserting ''$576'';

(6) by striking ''$717'' in subsection (f) and inserting ''$726'';

(7) by striking ''$905'' in subsection (g) and inserting ''$916'';

(8) by striking ''$1,049'' in subsection (h) and inserting ''$1,062'';

(9) by striking ''$1,181'' in subsection (i) and inserting ''$1,196'';

(10) by striking ''$1,964'' in subsection (j) and inserting ''$1,989'';

(11) by striking ''$2,443'' and ''$3,426'' in subsection (k) and inserting ''$2,474'' and ''$3,470'', respectively;

(12) by striking ''$2,443'' in subsection (l) and inserting ''$2,474'';

(13) by striking ''$2,694'' in subsection (m) and inserting ''$2,729'';

(14) by striking ''$3,066'' in subsection (n) and inserting ''$3,105'';

(15) by striking ''$3,426'' each place it appears in subsections (o) and (p) and inserting ''$3,470'';

(16) by striking ''$1,471'' and ''$2,190'' in subsection (r) and inserting ''$1,490'' and ''$2,218'', respectively; and

(17) by striking ''$2,199'' in subsection (s) and inserting ''$2,227''.

(b) SPECIAL RULE.—The Secretary of Veterans Affairs may authorize administratively, consistent with the increases specified in this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 112. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(1) is amended—

(1) by striking ''$114'' in clause (A) and inserting ''$115'';

(2) by striking ''$195'' in clause (B) and inserting ''$197'';

(3) by striking ''$78'' in clause (C) and inserting ''$79'';

(4) by striking ''$92'' in clause (D) and inserting ''$93'';

(5) by striking ''$215'' in clause (E) and inserting ''$217''; and

(6) by striking ''$180'' in clause (F) and inserting ''$182''.

SEC. 113. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 is amended by striking ''$528'' and inserting ''$534''.

SEC. 114. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

(a) NEW LAW RATES.—Section 1311(a) is amended—

(1) by striking ''$850'' in paragraph (1) and inserting ''$861''; and

(2) by striking ''$185'' in paragraph (2) and inserting ''$187''.

(b) OLD LAW RATES.—The table in subsection (a)(3) is amended to read as follows:

''Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$861	W–4	$1,030
E–2	861	O–1	909
E–3	861	O–2	940
E–4	861	O–3	1,004
E–5	861	O–4	1,062
E–6	861	O–5	1,170
E–7	890	O–6	1,318
E–8	940	O–7	1,424
E–9	[1]980	O–8	1,561
W–1	909	O–9	1,672
W–2	946	O–10	[2]1,834
W–3	974		

''[1]If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,057.

''[2]If the veteran served as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,966.''.

(c) ADDITIONAL DIC FOR CHILDREN.—Section 1311(b) is amended by striking ''$215'' and inserting ''$217''.

(d) AID AND ATTENDANCE ALLOWANCE.—Section 1311(c) is amended by striking ''$215'' and inserting ''$217''.

(e) HOUSEBOUND RATE.—Section 1311(d) is amended by striking ''$104'' and inserting ''$105''.

SEC. 115. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 1313(a) is amended—

(1) by striking ''$361'' in paragraph (1) and inserting ''$365'';

(2) by striking ''$520'' in paragraph (2) and inserting ''$526'';

(3) by striking ''$675'' in paragraph (3) and inserting ''$683''; and

(4) by striking ''$675'' and ''$132'' in paragraph (4) and inserting ''$683'' and ''$133'', respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 1314 is amended—

(1) by striking ''$215'' in subsection (a) and inserting ''$217'';

(2) by striking ''$361'' in subsection (b) and inserting ''$365''; and

(3) by striking ''$182'' in subsection (c) and inserting ''$184''.

SEC. 116. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on November 30, 1999.

TITLE II—EDUCATIONAL BENEFITS

SEC. 201. SHORT TITLE.

This title may be cited as the ''All-Volunteer Force Educational Assistance Programs Improvements Act of 1999''.

SEC. 202. INCREASE IN BASIC BENEFIT OF ACTIVE DUTY EDUCATIONAL ASSISTANCE.

(a) INCREASE IN BASIC BENEFIT.—Section 3015 is amended—

(1) in subsection (a)(1), by striking ''$528'' and inserting ''$600''; and

(2) in subsection (b)(1), by striking ''$429'' and inserting ''$488''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to educational assistance allowances paid for months after September 1999. However, no adjustment in rates of educational assistance shall be made under section 3015(g) of title 38, United States Code, for fiscal year 2000.

SEC. 203. INCREASE IN RATES OF SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.

(a) SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.—Section 3532 is amended—

(1) in subsection (a)(1)—

(A) by striking ''$485'' and inserting ''$550'';

(B) by striking ''$365'' and inserting ''$414''; and

(C) by striking ''$242'' and inserting ''$274'';

(2) in subsection (a)(2), by striking ''$485'' and inserting ''$550'';

(3) in subsection (b), by striking ''$485'' and inserting ''$550''; and

(4) in subsection (c)(2)—

(A) by striking ''$392'' and inserting ''$445'';

(B) by striking ''$294'' and inserting ''$333''; and

(C) by striking ''$196'' and inserting ''$222''.

(b) CORRESPONDENCE COURSE.—Section 3534(b) is amended by striking ''$485'' and inserting ''$550.

(c) SPECIAL RESTORATIVE TRAINING.—Section 3542(a) is amended—

(1) by striking ''$485'' and inserting ''$550'';

(2) by striking ''$152'' each place it appears and inserting ''$172''; and

(3) by striking ''$16.16'' and inserting ''$18.35''.

(d) APPRENTICESHIP TRAINING.—Section 3687(b)(2) is amended—

(1) by striking ''$353'' and inserting ''$401'';

(2) by striking ''$264'' and inserting ''$299'';

(3) by striking ''$175'' and inserting ''$198''; and

(4) by striking ''$88'' and inserting ''$99''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999, and shall apply with respect to educational assistance paid for months after September 1999.

SEC. 204. ELIGIBILITY OF MEMBERS OF THE ARMED FORCES TO WITHDRAW ELECTIONS NOT TO RECEIVE MONTGOMERY GI BILL BASIC EDUCATIONAL ASSISTANCE.

(a) MEMBERS ON ACTIVE DUTY.—Section 3011(c) is amended by adding at the end the following:

''(4)(A) An individual who makes an election under paragraph (1) may withdraw the election at any time before the discharge or release of the individual from active duty in the Armed Forces. An individual who withdraws such an election shall be entitled to basic educational assistance under this chapter.

''(B) The withdrawal of an election under this paragraph shall be made in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

''(C)(i) In the case of an individual who withdraws an election under this paragraph—

''(I) the basic pay of the individual shall be reduced by $100 for each month after the month in which the election is made until the total amount of such reductions equals $1,500; or

''(II) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty in the Armed Forces, the Secretary shall collect from the individual an amount equal to the difference between $1,500 and the total amount of reductions under subclause (I).

''(ii) An individual described in clause (i) may pay the Secretary at any time an amount equal to the total amount of the reduction in basic pay otherwise required with respect to the individual under that clause minus the total amount of reductions of basic pay of the individual under that clause at the time of the payment under this clause.

''(iii) The second sentence of subsection (b) shall apply to any reductions in basic pay under clause (i)(I).

''(iv) Amounts collected under clause (i)(II) and amounts paid under clause (ii) shall be deposited into the Treasury as miscellaneous receipts.

''(D) The withdrawal of an election under this paragraph is irrevocable.''.

(b) MEMBERS OF SELECTED RESERVE.—Section 3012(d) is amended by adding at the end the following:

''(4)(A) An individual who makes an election under paragraph (1) may withdraw the election at any time before the discharge or release of the individual from the Armed Forces. An individual who withdraws such an election shall be entitled to basic educational assistance under this chapter.

''(B) The withdrawal of an election under this paragraph shall be made in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

''(C)(i) In the case of an individual who withdraws an election under this paragraph—

''(I) the basic pay or compensation of the individual shall be reduced by $100 for each month after the month in which the election is made until the total amount of such reductions equals $1,500; or

''(II) to the extent that basic pay or compensation is not so reduced before the individual's discharge or release from the Armed Forces, the Secretary shall collect from the individual an amount equal to the difference between $1,500 and the total amount of reductions under subclause (I).

''(ii) An individual described in clause (i) may pay the Secretary at any time an amount equal to the total amount of the reduction in basic pay or compensation otherwise required with respect to the individual under that clause minus the total amount of reductions of basic pay or compensation of the individual under that clause at the time of the payment under this clause.

''(iii) The second sentence of subsection (c) shall apply to any reductions in basic pay or compensation under clause (i)(I).

''(iv) Amounts collected under clause (i)(II) and amounts paid under clause (ii) shall be deposited into the Treasury as miscellaneous receipts.

''(D) The withdrawal of an election under this paragraph is irrevocable.''.

SEC. 205. ACCELERATED PAYMENTS OF BASIC EDUCATIONAL ASSISTANCE.

Section 3014 is amended—

(1) by inserting ''(a)'' before ''The Secretary''; and

(2) by adding at the end the following new subsection:

''(b)(1) The Secretary may make payments of basic educational assistance under this subchapter on an accelerated basis.

''(2) The Secretary may pay basic educational assistance on an accelerated basis

under this subsection only to an individual entitled to payment of such assistance under this subchapter who has made a request for payment of such assistance on an accelerated basis.

''(3) In the event an adjustment under section 3015(g) of this title in the monthly rate of basic educational assistance will occur during a period for which a payment of such assistance is made on an accelerated basis under this subsection, the Secretary shall pay on an accelerated basis the amount of such assistance otherwise payable under this subchapter for the period without regard to the adjustment under that section.

''(4) The entitlement to basic educational assistance under this subchapter of an individual who is paid such assistance on an accelerated basis under this subsection shall be charged at a rate equal to one month for each month of the period covered by the accelerated payment of such assistance.

''(5) Basic educational assistance shall be paid on an accelerated basis under this subsection as follows:

''(A) In the case of assistance for a course leading to a standard college degree, at the beginning of the quarter, semester, or term of the course in a lump-sum amount equivalent to the aggregate amount of monthly assistance otherwise payable under this subchapter for the quarter, semester, or term, as the case may be, of the course.

''(B) In the case of assistance for a course other than a course referred to in subparagraph (A)—

''(i) at the later of (I) the beginning of the course, or (II) a reasonable time after the request for payment by the individual concerned; and

''(ii) in any amount requested by the individual concerned within the limit, if any, specified in the regulations prescribed by the Secretary under paragraph (6), with such limit not to exceed the aggregate amount of monthly assistance otherwise payable under this subchapter for the period of the course.

''(6) The Secretary shall prescribe regulations for purposes of making payments of basic educational assistance on an accelerated basis under this subsection. Such regulations shall include requirements relating to the request for, making and delivery of, and receipt and use of such payments and may include a limit on the amount payable for a course under paragraph (5)(B)(ii).''.

TITLE III—MEDICAL CARE

Subtitle A—Long-Term Care

SEC. 301. ADULT DAY HEALTH CARE.

Section 1720(f)(1)(A)(i) is amended by striking ''subsections (a) through (d) of this section'' and inserting ''subsections (b) through (d) of this section''.

SEC. 302. IN-HOME RESPITE CARE SERVICES.

Section 1720B(b) is amended—

(1) in the matter preceding paragraph (1), by striking ''or nursing home care'' and inserting '', nursing home care, or home-based care''; and

(2) in paragraph (2), by inserting ''or in the home of a veteran'' after ''in a Department facility''.

Subtitle B—Management of Medical Facilities and Property

SEC. 311. DISPOSAL OF DEPARTMENT OF VETERANS AFFAIRS REAL PROPERTY.

(a) TEMPORARY FLEXIBILITY IN DISPOSAL.—(1) Chapter 81 is amended by inserting after section 8122 the following new section:

''§ 8122A. Disposal of real property: temporary flexibility in disposal

''(a)(1) The Secretary may, in accordance with this section, dispose of property owned by the United States that is administered by the Secretary (including improvements and equipment associated with the property) by transfer, sale, or exchange to a Federal agency, a State or political subdivision thereof, or any public or private entity.

''(2) The Secretary may exercise the authority provided by this section without regard to the following provisions of law:

''(A) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

''(B) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

''(3) The Secretary may not undertake more than 30 transactions for the disposal of real property under this section.

''(b)(1) The Secretary shall obtain compensation in connection with a disposal of real property under this section, other than by transfer or exchange with another Federal entity, in an amount equal to the fair market value of the property disposed of. Such compensation may include in-kind compensation.

''(2) The Secretary may use amounts of cash compensation received in connection with a disposal of real property under this section to cover costs incurred by the Secretary for administrative expenses associated with the disposal.

''(c)(1) There is in the Treasury a revolving fund to be known as the Department of Veterans Affairs Capital Asset Fund (in this section referred to as the 'Fund').

''(2) The Secretary shall deposit in the Fund the following:

''(A) Any amounts appropriated pursuant to an authorization of appropriations for the Fund.

''(B) Any cash compensation from the disposal of real property under this section, less amounts used to cover administrative expenses associated with such disposal under subsection (b)(2).

''(3)(A) To the extent provided in advance in appropriations Acts and subject to subsection (e)(2), amounts in the Fund at the beginning of a fiscal year shall be available during the fiscal year as follows:

''(i) For costs associated with the disposal of real property under this section, including—

''(I) costs of demolition of facilities and improvements;

''(II) costs of environmental restoration; and

''(III) costs of maintenance and repair of property, facilities, and improvements to facilitate disposal;

''(ii) To the extent not utilized under clause (i) and subject to subparagraph (B)—

''(I) for construction projects and facility leases (other than projects or leases within the scope of section 8104(a) of this title) and nonrecurring maintenance and operation activities (including the procurement and maintenance of equipment);

''(II) for transfer to the Department of Veterans Affairs Medical Care Collections Fund established in section 1729A of this title for use in accordance with that section;

''(III) for activities and grants under programs for providing grants for homeless assistance; and

''(IV) for transfer to the Department of Housing and Urban Development for homeless assistance grants.

''(iii) To the extent not utilized under clauses (i) and (ii), for the establishment and maintenance of the database required under subsection (d).

''(B) Of the amounts available under subparagraph (A)(ii) for a fiscal year—

''(i) an amount equal to 90 percent of such amounts shall be available under subclauses (I), (II) and (III) of that subparagraph; and

''(ii) an amount equal to 10 percent of such amounts shall be available under subclause (IV) of that subparagraph.

''(4) Amounts in the Fund shall be available for the purposes specified in paragraph (3) without fiscal year limitation.

''(d) The Secretary shall, in consultation with the Administrator of General Services, establish and maintain a database of information on the real property of the Department. The database shall provide information that facilitates the management of such real property, including the disposal of real property under this section.

''(e)(1) The authority of the Secretary to dispose of real property under this section shall expire 5 years after the date of the enactment of the Veterans Benefits Act of 1999.

''(2)(A) The Fund shall be available for not more than 2 years after the expiration of the authority under paragraph (1) for authorized uses of the Fund under this section.

''(B) Any unobligated funds in the Fund at the expiration of the availability of the Fund under subparagraph (A) shall be transferred to and merged with amounts in the Construction, Minor Projects Account.

''(f) The Secretary shall include with the materials that accompany the budget of the President for a fiscal year under section 1105 of title 31 a description, for the year preceding the year in which the budget is submitted, of each transaction for the disposal of real property carried out under this section.''.

(2) The table of sections at the beginning of chapter 81 is amended by inserting after the item relating to section 8122 the following new item:

''8122A. Disposal of real property: temporary flexibility in disposal.''.

(b) INITIAL CAPITALIZATION OF FUND.—(1) There is hereby authorized to be appropriated for the Department of Veterans Affairs for fiscal year 2000, $10,000,000 for deposit in the Department of Veterans Affairs Capital Asset Fund established by section 8122A(c) of title 38, United States Code (as added by subsection (a)).

(2) The Secretary may, for purposes of providing additional amounts in the Fund, transfer to the Fund in fiscal year 2000 amounts in the following accounts, in the order specified:

(A) Amounts in the Construction, Major Projects Account.

(B) Amounts in the Construction, Minor Projects Account.

(3) The Secretary shall reimburse an account referred to in paragraph (2) for any amounts transferred from the account to the Fund under that paragraph. Amounts for such reimbursements shall be derived from amounts in the Fund.

(c) MODIFICATIONS OF GENERAL REAL PROPERTY DISPOSAL AUTHORITY.—Paragraph (2) of section 8122(a) is amended to read as follows:

''(2)(A) Except as provided in paragraph (3) of this subsection, the Secretary may not during any fiscal year dispose of any real property that is owned by the United States and administered by the Secretary unless—

''(i) the disposal is described in the budget submitted to Congress pursuant to section 1105 of title 31 for that fiscal year; and

''(ii) the Department receives compensation for the disposal equal to fair market value of the real property.

''(B) The use of amounts received by the Secretary as a result of the disposal of real property under this paragraph shall be governed by the provisions of section 8122A of this title.''.

SEC. 312. EXTENSION OF ENHANCED-USE LEASE AUTHORITY.

Section 8169 is amended by striking ''December 31, 2001'' and inserting ''December 31, 2004''.

Subtitle C—Homeless Veterans

SEC. 321. EXTENSION OF PROGRAM OF HOUSING ASSISTANCE FOR HOMELESS VETERANS.

Section 3735(c) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2001''.

SEC. 322. HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS.

(a) PURPOSES OF GRANTS.—Section 3(a) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by inserting '', and expanding existing programs for furnishing,'' after ''new programs to furnish''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 12 of that Act (38 U.S.C. 7721 note) is amended in the first sentence by inserting ''and $50,000,000 for each of fiscal years 2000 and 2001'' after ''for fiscal years 1993 through 1997''.

SEC. 323. AUTHORIZATIONS OF APPROPRIATIONS FOR HOMELESS VETERANS' REINTEGRATION PROJECTS.

Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1) is amended by adding at the end the following:

''(H) $10,000,000 for fiscal year 2000.

''(I) $10,000,000 for fiscal year 2001.''.

SEC. 324. REPORT ON IMPLEMENTATION OF GENERAL ACCOUNTING OFFICE RECOMMENDATIONS REGARDING PERFORMANCE MEASURES.

(a) REPORT.—Not later than three months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing a detailed plan for the evaluation by the Department of Veterans Affairs of the effectiveness of programs to assist homeless veterans.

(b) OUTCOME MEASURES.—The plan shall include outcome measures which determine whether veterans are housed and employed within six months after housing and employment are secured for veterans under such programs.

Subtitle D—Other Health Care Provisions

SEC. 331. TREATMENT AND SERVICES FOR DRUG OR ALCOHOL DEPENDENCY.

Section 1720A(c) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking ''may not be transferred'' and inserting ''may be transferred''; and

(B) by striking ''unless such transfer is during the last thirty days of such member's enlistment or tour of duty''; and

(2) in the first sentence of paragraph (2), by striking ''during the last thirty days of such person's enlistment period or tour of duty''.

SEC. 332. ALLOCATION TO DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE FACILITIES OF AMOUNTS IN MEDICAL CARE COLLECTIONS FUND.

Section 1729A(d) is amended—

(1) by striking ''(1)'';

(2) by striking ''each designated health care region'' and inserting ''each Department health care facility'';

(3) by striking ''each region'' and inserting ''each facility'';

(4) by striking ''such region'' both places it appears and inserting ''such facility''; and

(5) by striking paragraph (2).

SEC. 333. EXTENSION OF CERTAIN PERSIAN GULF WAR AUTHORITIES.

(a) THREE-YEAR EXTENSION OF NEWSLETTER ON MEDICAL CARE.—Section 105(b)(2) of the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 108 Stat. 4659; 38 U.S.C. 1117 note) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

(b) THREE-YEAR EXTENSION OF PROGRAM FOR EVALUATION OF HEALTH OF SPOUSES AND CHILDREN.—Section 107(b) of Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 38 U.S.C. 1117 note) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

SEC. 334. REPORT ON COORDINATION OF PROCUREMENT OF PHARMACEUTICALS AND MEDICAL SUPPLIES BY THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT.—Not later than March 31, 2000, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and Armed Services of the House of Representatives a report on the cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description of the current cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(2) An assessment of the means by which cooperation between the departments in such procurement could be enhanced or improved.

(3) A description of any existing memoranda of agreement between the Department of Veterans Affairs and the Department of Defense that provide for the cooperation referred to in subsection (a).

(4) A description of the effects, if any, such agreements will have on current staffing levels at the Defense Supply Center Philadelphia, Pennsylvania, and the Department of Veterans Affairs National Acquisition Center in Hines, Illinois.

(5) A description of the effects, if any, of such cooperation on military readiness.

(6) A comprehensive assessment of cost savings realized and projected over the five fiscal year period beginning in fiscal year 1999 for the Department of Veterans Affairs and the Department of Defense as a result of such cooperation, and the overall savings to the Treasury of the United States as a result of such cooperation.

(7) A list of the types of medical supplies and pharmaceuticals for which cooperative agreements would not be appropriate and the reason or reasons therefor.

(8) An assessment of the extent to which cooperative agreements could be expanded to include medical equipment, major systems, and durable goods used in the delivery of health care by the Department of Veterans Affairs and the Department of Defense.

(9) A description of the effects such agreements might have on distribution of items purchased cooperatively by the Department of Veterans Affairs and the Department of Defense, particularly outside the continental United States.

(10) An assessment of the potential to establish common pharmaceutical formularies between the Department of Veterans Affairs and the Department of Defense.

(11) An explanation of the current Uniform Product Number (UPN) requirements of each Department and of any planned standardization of such requirements between the Departments for medical equipment and durable goods manufacturers.

Subtitle E—Major Medical Facility Projects Construction Authorization

SEC. 341. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with reach project to be carried out in the amount specified for that project:

(1) Construction of a long term care facility at the Department of Veterans Affairs Medical Center, Lebanon, Pennsylvania, in an amount not to exceed $14,500,000.

(2) Renovations and environmental improvements at the Department of Veterans Affairs Medical Center, Fargo, North Dakota, in an amount not to exceed $12,000,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2000 for the Construction, Major Projects, Account $200,100,000 for the projects authorized in subsection (a) and for the continuation of projects authorized in section 701(a) of the Veterans Programs Enhancement Act of 1998 (Public Law 105–368; 112 Stat. 3348).

(2) LIMITATION ON FISCAL YEAR 2000 PROJECTS.—The projects authorized in subsection (a) may only be carried out using—

(A) funds appropriated for fiscal year 2000 pursuant to the authorizations of appropriations in subsection (a);

(B) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2000 that remain available for obligation; and

(C) funds appropriated for Construction, Major Projects, for fiscal year 2000 for a category of activity not specific to a project.

(c) AVAILABILITY OF FUNDS FOR FISCAL YEAR 1999 PROJECTS.—Section 703(b)(1) of the Veterans Programs Enhancement Act of 1998 (112 Stat. 3349) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) funds appropriated for fiscal year 2000 pursuant to the authorization of appropriations in section 341(b)(1) of the Veterans Benefits Act of 1999;''.

TITLE IV—OTHER BENEFITS MATTERS

SEC. 401. PAYMENT RATE OF CERTAIN BURIAL BENEFITS FOR CERTAIN FILIPINO VETERANS.

(a) PAYMENT RATE.—Section 107 is amended—

(1) in subsection (a), by striking ''Payments'' and inserting ''Subject to subsection (c), payments''; and

(2) by adding at the end the following:

''(c)(1) In the case of an individual described in paragraph (2), payments under section 2302 or 2303 of this title by reason of subsection (a)(3) shall be made at the rate of $1 for each dollar authorized.

''(2) Paragraph (1) applies to any individual whose service is described in subsection (a) if the individual, on the individual's date of death—

''(A) is a citizen of the United States;

''(B) is residing in the United States; and

''(C) either—

''(i) is receiving compensation under chapter 11 of this title; or

''(ii) if such service had been deemed to be active military, naval, or air service, would have been paid pension under section 1521 of this title without denial or discontinuance by reason of section 1522 of this title.''.

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the effective date of this Act by reason of the amendments made by subsection (a).

SEC. 402. EXTENSION OF AUTHORITY TO MAINTAIN A REGIONAL OFFICE IN THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2004''.

SEC. 403. EXTENSION OF ADVISORY COMMITTEE ON MINORITY VETERANS.

Section 544(e) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2004''.

SEC. 404. REPEAL OF LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS.

Section 5503 is amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

SEC. 405. CLARIFICATION OF VETERANS EMPLOYMENT OPPORTUNITIES.

(a) CLARIFICATION.—Section 3304(f) of title 5, United States Code, is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) If selected, a preference eligible or veteran described in paragraph (1) shall acquire competitive status and shall receive a career or career-conditional appointment, as appropriate.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the amendment made to section 3304 of title 5, United States Code, by section 2 of the Veterans Employment Opportunities Act of 1998 (Public Law 105–339; 112 Stat. 3182), to which such amendments relate.

TITLE V—MEMORIAL AFFAIRS

Subtitle A—Arlington National Cemetery

SEC. 501. SHORT TITLE.

This subtitle may be cited as the ''Arlington National Cemetery Burial and Inurnment Eligibility Act of 1999''.

SEC. 502. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—(1) Chapter 24 is amended by adding at the end the following new section:

''§ 2412. Arlington National Cemetery: persons eligible for burial

''(a) PRIMARY ELIGIBILITY.—The remains of the following individuals may be buried in Arlington National Cemetery:

''(1) Any member of the Armed Forces who dies while on active duty.

''(2) Any retired member of the Armed Forces and any person who served on active duty and at the time of death was entitled (or but for age would have been entitled) to retired pay under chapter 1223 of title 10.

''(3) Any former member of the Armed Forces separated for physical disability before October 1, 1949, who—

''(A) served on active duty; and

''(B) would have been eligible for retirement under the provisions of section 1201 of title 10 (relating to retirement for disability) had that section been in effect on the date of separation of the member.

''(4) Any former member of the Armed Forces whose last active duty military service terminated honorably and who has been awarded one of the following decorations:

''(A) Medal of Honor.

''(B) Distinguished Service Cross, Air Force Cross, or Navy Cross.

''(C) Distinguished Service Medal.

''(D) Silver Star.

''(E) Purple Heart.

''(5) Any former prisoner of war who dies on or after November 30, 1993.

''(6) The President or any former President.

''(7) Any former member of the Armed Forces whose last discharge or separation from active duty was under honorable conditions and who is or was one of the following:

''(A) Vice President.

''(B) Member of Congress.

''(C) Chief Justice or Associate Justice of the Supreme Court.

''(D) The head of an Executive department (as such departments are listed in section 101 of title 5).

''(E) An individual who served in the foreign or national security services, if such individual died as a result of a hostile action outside the United States in the course of such service.

''(8) Any individual whose eligibility is authorized in accordance with subsection (b).

''(b) ADDITIONAL AUTHORIZATIONS OF BURIAL.—(1) Subject to paragraph (4), in the case of a former member of the Armed Forces not otherwise covered by subsection (a) whose last discharge or separation from active duty was under honorable conditions, if the Secretary of Defense makes a determination referred to in paragraph (3) with respect to such member, the Secretary of Defense may authorize the burial of the remains of such former member in Arlington National Cemetery under subsection (a)(8).

''(2) Subject to paragraph (4), in the case of any individual not otherwise covered by subsection (a) or paragraph (1), if the President makes a determination referred to in paragraph (3) with respect to such individual, the President may authorize the burial of the remains of such individual in Arlington National Cemetery under subsection (a)(8).

''(3) A determination referred to in paragraph (1) or (2) is a determination that the acts, service, or other contributions to the Nation of the former member or individual concerned are of equal or similar merit to the acts, service, or other contributions to the Nation of any of the persons listed in subsection (a).

''(4) A burial may be authorized under paragraph (1) or (2) only after consultation with respect to the burial by the Secretary of Defense with the Chairmen and Ranking Members of the Committees on Veterans' Affairs of the Senate and the House of Representatives.

''(5)(A) In the case of an authorization for burial under this subsection, the President or the Secretary of Defense, as the case may be, shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the authorization not later than 72 hours after the authorization.

''(B) Each report under subparagraph (A) shall—

''(i) identify the individual authorized for burial; and

''(ii) provide a justification for the authorization for burial.

''(c) ELIGIBILITY OF FAMILY MEMBERS.—The remains of the following individuals may be buried in Arlington National Cemetery:

''(1) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a person listed in subsection (a), but only if buried in the same gravesite as that person.

''(2)(A) The spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces on active duty if such spouse, minor child, or unmarried adult child dies while such member is on active duty.

''(B) The individual whose spouse, minor child, and unmarried adult child is eligible under subparagraph (A), but only if buried in the same gravesite as the spouse, minor child, or unmarried adult child.

''(3) The parents of a minor child or unmarried adult child whose remains, based on the eligibility of a parent, are already buried in Arlington National Cemetery, but only if buried in the same gravesite as that minor child or unmarried adult child.

''(4)(A) Subject to subparagraph (B), the surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces who was lost, buried at sea, or officially determined to be permanently absent in a status of missing or missing in action.

''(B) A person is not eligible under subparagraph (A) if a memorial to honor the memory of the member is placed in a cemetery in the national cemetery system, unless the memorial is removed. A memorial removed under this subparagraph may be placed, at the discretion of the Superintendent, in Arlington National Cemetery.

''(5) The surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces buried in a cemetery under the jurisdiction of the American Battle Monuments Commission.

''(d) SPOUSES.—For purposes of subsection (c)(1), a surviving spouse of a person whose remains are buried in Arlington National Cemetery by reason of eligibility under subsection (a) who has remarried is eligible for burial in the same gravesite of that person. The spouse of the surviving spouse is not eligible for burial in such gravesite.

''(e) DISABLED ADULT UNMARRIED CHILDREN.—In the case of an unmarried adult child who is incapable of self-support up to the time of death because of a physical or mental condition, the child may be buried under subsection (c) without requirement for approval by the Superintendent under that subsection if the burial is in the same gravesite as the gravesite in which the parent, who is eligible for burial under subsection (a), has been or will be buried.

''(f) FAMILY MEMBERS OF PERSONS BURIED IN A GROUP GRAVESITE.—In the case of a person eligible for burial under subsection (a) who is buried in Arlington National Cemetery as part of a group burial, the surviving spouse, minor child, or unmarried adult child of the member may not be buried in the group gravesite.

''(g) EXCLUSIVE AUTHORITY FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.—Eligibility for burial of remains in Arlington National Cemetery prescribed under this section is the exclusive eligibility for such burial.

''(h) APPLICATION FOR BURIAL.—A request for burial of remains of an individual in Arlington National Cemetery made before the death of the individual may not be considered by the Secretary of the Army, the Secretary of Defense, or any other responsible official.

''(i) REGISTER OF BURIED INDIVIDUALS.—(1) The Secretary of the Army shall maintain a register of each individual buried in Arlington National Cemetery and shall make such register available to the public.

''(2) With respect to each such individual buried on or after January 1, 1998, the register shall include a brief description of the basis of eligibility of the individual for burial in Arlington National Cemetery.

''(j) DEFINITIONS.—For purposes of this section:

''(1) The term 'retired member of the Armed Forces' means—

''(A) any member of the Armed Forces on a retired list who served on active duty and who is entitled to retired pay;

''(B) any member of the Fleet Reserve or Fleet Marine Corps Reserve who served on active duty and who is entitled to retainer pay; and

''(C) any member of a reserve component of the Armed Forces who has served on active duty and who has received notice from the Secretary concerned under section 12731(d) of title 10 of eligibility for retired pay under chapter 1223 of title 10.

''(2) The term 'former member of the Armed Forces' includes a person whose service is considered active duty service pursuant to a determination of the Secretary of

Defense under section 401 of Public Law 95–202 (38 U.S.C. 106 note).

''(3) The term 'Superintendent' means the Superintendent of Arlington National Cemetery.''.

(2) The table of sections at the beginning of chapter 24 is amended by adding at the end the following new item:

''2412. Arlington National Cemetery: persons eligible for burial.''.

(b) PUBLICATION OF UPDATED PAMPHLET.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Army shall publish an updated pamphlet describing eligibility for burial in Arlington National Cemetery. The pamphlet shall reflect the provisions of section 2412 of title 38, United States Code, as added by subsection (a).

(c) TECHNICAL AMENDMENTS.—Section 2402(7) is amended—

(1) by inserting ''(or but for age would have been entitled)'' after ''was entitled'';

(2) by striking ''chapter 67'' and inserting ''chapter 1223''; and

(3) by striking ''or would have been entitled to'' and all that follows and inserting a period.

(d) EFFECTIVE DATE.—Section 2412 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of enactment of this Act.

SEC. 503. PERSONS ELIGIBLE FOR PLACEMENT IN THE COLUMBARIUM IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—(1) Chapter 24 is amended by adding after section 2412, as added by section 501(a)(1) of this Act, the following new section:

''§ 2413. Arlington National Cemetery: persons eligible for placement in columbarium

''(a) ELIGIBILITY.—The cremated remains of the following individuals may be placed in the columbarium in Arlington National Cemetery:

''(1) A person eligible for burial in Arlington National Cemetery under section 2412 of this title.

''(2)(A) A veteran whose last period of active duty service (other than active duty for training) ended honorably.

''(B) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent of Arlington National Cemetery, unmarried adult child of such a veteran.

''(b) SPOUSE.—Section 2412(d) of this title shall apply to a spouse under this section in the same manner as it applies to a spouse under section 2412 of this title.''.

(2) The table of sections at the beginning of chapter 24 is amended by adding after section 2412, as added by section 501(a)(2) of this Act, the following new item:

''2413. Arlington National Cemetery: persons eligible for placement in columbarium.''.

(b) EFFECTIVE DATE.—Section 2413 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of enactment of this Act.

Subtitle B—World War II Memorial

SEC. 511. SHORT TITLE.

This subtitle may be cited as the ''World War II Memorial Completion Act''.

SEC. 512. FUND RAISING BY AMERICAN BATTLE MONUMENTS COMMISSION FOR WORLD WAR II MEMORIAL.

(a) CODIFICATION OF EXISTING AUTHORITY; EXPANSION OF AUTHORITY.—(1) Chapter 21 of title 36, United States Code, is amended by adding at the end the following new section:

''§ 2113. World War II memorial in the District of Columbia

''(a) DEFINITIONS.—In this section:

''(1) The term 'World War II memorial' means the memorial authorized by Public Law 103–32 (107 Stat. 90) to be established by the American Battle Monuments Commission on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

''(2) The term 'Commission' means the American Battle Monuments Commission.

''(3) The term 'memorial fund' means the fund created by subsection (c).

''(b) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS.—Consistent with the authority of the Commission under section 2103(e) of this title, the Commission shall solicit and accept contributions for the World War II memorial.

''(c) CREATION OF MEMORIAL FUND.—(1) There is hereby created in the Treasury a fund for the World War II memorial, which shall consist of the following:

''(A) Amounts deposited, and interest and proceeds credited, under paragraph (2).

''(B) Obligations obtained under paragraph (3).

''(C) The amount of surcharges paid to the Commission for the World War II memorial under the World War II 50th Anniversary Commemorative Coins Act.

''(D) Amounts borrowed using the authority provided under subsection (e).

''(E) Any funds received by the Commission under section 2103(l) of this title in exchange for use of, or the right to use, any mark, copyright or patent.

''(2) The Chairman of the Commission shall deposit in the memorial fund the amounts accepted as contributions under subsection (b). The Secretary of the Treasury shall credit to the memorial fund the interest on, and the proceeds from sale or redemption of, obligations held in the memorial fund.

''(3) The Secretary of the Treasury shall invest any portion of the memorial fund that, as determined by the Chairman of the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman of the Commission, has a maturity suitable for the memorial fund.

''(d) USE OF MEMORIAL FUND.—The memorial fund shall be available to the Commission for—

''(1) the expenses of establishing the World War II memorial, including the maintenance and preservation amount provided for in section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b));

''(2) such other expenses, other than routine maintenance, with respect to the World War II memorial as the Commission considers warranted; and

''(3) to secure, obtain, register, enforce, protect, and license any mark, copyright or patent that is owned by, assigned to, or licensed to the Commission under section 2103(l) of this title to aid or facilitate the construction of the World War II memorial.

''(e) SPECIAL BORROWING AUTHORITY.—(1) To assure that groundbreaking, construction, and dedication of the World War II memorial are completed on a timely basis, the Commission may borrow money from the Treasury of the United States in such amounts as the Commission considers necessary, but not to exceed a total of $65,000,000. Borrowed amounts shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the month in which the obligations of the Commission are issued. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury, but any interest payment so deferred shall also bear interest.

''(2) The borrowing of money by the Commission under paragraph (1) shall be subject to such maturities, terms, and conditions as may be agreed upon by the Commission and the Secretary of the Treasury, except that the maturities may not exceed 20 years and such borrowings may be redeemable at the option of the Commission before maturity.

''(3) The obligations of the Commission shall be issued in amounts and at prices approved by the Secretary of the Treasury. The authority of the Commission to issue obligations under this subsection shall remain available without fiscal year limitation. The Secretary of the Treasury shall purchase any obligations of the Commission to be issued under this subsection, and for such purpose the Secretary of the Treasury may use as a public debt transaction of the United States the proceeds from the sale of any securities issued under chapter 31 of title 31. The purposes for which securities may be issued under such chapter are extended to include any purchase of the Commission's obligations under this subsection.

''(4) Repayment of the interest and principal on any funds borrowed by the Commission under paragraph (1) shall be made from amounts in the memorial fund. The Commission may not use for such purpose any funds appropriated for any other activities of the Commission.

''(f) TREATMENT OF BORROWING AUTHORITY.—In determining whether the Commission has sufficient funds to complete construction of the World War II memorial, as required by section 8 of the Commemorative Works Act (40 U.S.C. 1008), the Secretary of the Interior shall consider the funds that the Commission may borrow from the Treasury under subsection (e) as funds available to complete construction of the memorial, whether or not the Commission has actually exercised the authority to borrow such funds.

''(g) VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, the Commission may accept from any person voluntary services to be provided in furtherance of the fund-raising activities of the Commission relating to the World War II memorial.

''(2) A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and chapter 171 of title 28, relating to tort claims. A volunteer who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of such voluntary service, except that any volunteers given responsibility for the handling of funds or the carrying out of a Federal function are subject to the conflict of interest laws contained in chapter 11 of title 18, and the administrative standards of conduct contained in part 2635 of title 5, Code of Federal Regulations.

''(3) The Commission may provide for reimbursement of incidental expenses which are incurred by a person providing voluntary services under this subsection. The Commission shall determine which expenses are eligible for reimbursement under this paragraph.

''(4) Nothing in this subsection shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees.

''(h) TREATMENT OF CERTAIN CONTRACTS.—A contract entered into by the Commission for the design or construction of the World

War II memorial is not funding agreement as that term is defined in section 201 of title 35.

''(i) EXTENSION OF AUTHORITY TO ESTABLISH MEMORIAL.—Notwithstanding section 10 of the Commemorative Works Act (40 U.S.C. 1010), the legislative authorization for the construction of the World War II memorial contained in Public Law 103–32 (107 Stat. 90) shall not expire until December 31, 2005.''.

(2) The table of sections at the beginning of chapter 21 of title 36, United States Code, is amended by adding at the end the following new item:

''2113. World War II memorial in the District of Columbia.''.

(b) CONFORMING AMENDMENTS.—Public Law 103–32 (107 Stat. 90) is amended by striking sections 3, 4, and 5.

(c) EFFECT OF REPEAL OF CURRENT MEMORIAL FUND.—Upon the date of the enactment of this Act, the Secretary of the Treasury shall transfer amounts in the fund created by section 4(a) of Public Law 103–32 (107 Stat. 91) to the fund created by section 2113 of title 36, United States Code, as added by subsection (a).

SEC. 513. GENERAL AUTHORITY OF AMERICAN BATTLE MONUMENTS COMMISSION TO SOLICIT AND RECEIVE CONTRIBUTIONS.

Subsection (e) of section 2103 of title 36, United States Code, is amended to read as follows:

''(e) SOLICITATION AND RECEIPT OF CONTRIBUTIONS.—(1) The Commission may solicit and receive funds and in-kind donations and gifts from any State, municipal, or private source to carry out the purposes of this chapter. The Commission shall deposit such funds in a separate account in the Treasury. Funds from this account shall be disbursed upon vouchers approved by the Chairman of the Commission as well as by a Federal official authorized to sign payment vouchers.

''(2) The Commission shall establish written guidelines setting forth the criteria to be used in determining whether the acceptance of funds and in-kind donations and gifts under paragraph (1) would—

''(A) reflect unfavorably on the ability of the Commission, or any employee of the Commission, to carry out the responsibilities or official duties of the Commission in a fair and objective manner; or

''(B) compromise the integrity or the appearance of the integrity of the programs of the Commission or any official involved in those programs.''.

SEC. 514. INTELLECTUAL PROPERTY AND RELATED ITEMS.

Section 2103 of title 36, United States Code, is amended by adding at the end the following new subsection:

''(l) INTELLECTUAL PROPERTY AND RELATED ITEMS.—(1) The Commission may—

''(A) adopt, use, register, and license trademarks, service marks, and other marks;

''(B) obtain, use, register, and license the use of copyrights consistent with section 105 of title 17;

''(C) obtain, use, and license patents; and

''(D) accept gifts of marks, copyrights, patents and licenses for use by the Commission.

''(2) The Commission may grant exclusive and nonexclusive licenses in connection with any mark, copyright, patent, or license for the use of such mark, copyright or patent, except to extent the grant of such license by the Commission would be contrary to any contract or license by which the use of such mark, copyright or patent was obtained.

''(3) The Commission may enforce any mark, copyright, or patent by an action in the district courts under any law providing for the protection of such marks, copyrights, or patents.

''(4) The Attorney General shall furnish the Commission with such legal representation as the Commission may require under paragraph (3). The Secretary of Defense shall provide representation for the Commission in administrative proceedings before the Patent and Trademark Office and Copyright Office.

''(5) Section 203 of title 17 shall not apply to any copyright transferred in any manner to the Commission.''.

TITLE VI—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SEC. 601. STAGGERED RETIREMENT OF JUDGES.

(a) STAGGERED ELIGIBILITY FOR EARLY RETIREMENT.—Notwithstanding section 7296 of title 38, United States Code, judges of the United States Court of Appeals for Veterans Claims described in subsection (b) shall be eligible to retire from the Court without regard to the actual date of expiration of their terms as judges of the Court, as follows:

(1) One individual in 2001.

(2) Two individuals in each of 2002 and 2003.

(b) COVERED JUDGES.—A judge of the United States Court of Appeals for Veterans Claims is eligible to retire under this section if at the time of retirement the judge—

(1) is an associate judge of the Court who has at least 10 years of service on the Court creditable under section 7296 of title 38, United States Code;

(2) has made an election to receive retired pay under section 7296 of such title;

(3) has at least 20 years of service allowable under section 7297(*l*) of such title;

(4) is at least fifty-five years of age;

(5) has years of age, years of service creditable under section 7296 of such title, and years of service allowable under section 7297(*l*) of such title not creditable under section 7296 of such title that total at least 80; and

(6) either—

(A) is the most senior associate judge of the Court to submit notice of an election to retire under subsection (c) in 2001; or

(B) is one of the two most senior associate judges of the Court to submit notice of an election to retire under that subsection in 2002 or 2003, as applicable.

(c) ELECTION OF INTENT TO RETIRE.—(1) A judge seeking to retire under this section shall submit to the President and the chief judge of the United States Court of Appeals for Veterans Claims written notice of an election to so retire not later than April 1 of the year in which the judge seeks to so retire.

(2) A notice of election to retire under this subsection for a judge shall specify the retirement date of the judge. That date shall meet the requirements for a retirement date set forth in subsection (d)(1).

(3) An election to retire under this section, if accepted by the President, is irrevocable.

(d) RETIREMENT.—(1) A judge whose election to retire under this section is accepted shall retire in the year in which notice of the judge's election to retire is submitted under subsection (c)(1). The retirement date shall be not later than 90 days after the date of the submittal of the election to retire under that subsection.

(2)(A) Notwithstanding any other provision of law and except as provided in subparagraph (B), a judge retiring under this section shall be deemed to have retired under section 7296(b)(1) of title 38, United States Code.

(B) The rate of retired pay for a judge retiring under this section shall, as of the date of such judge's retirement, be equal to the rate of retired pay otherwise applicable to the judge under section 7296(c)(1) of such title as of such date multiplied by the fraction in which—

(i) the numerator is the sum of the number of the judge's years of service as a judge of the United States Court of Appeals for Veterans Claims creditable under section 7296 of such title and the age of such judge; and

(ii) the denominator is 80.

(e) DUTY OF ACTUARY.—Section 7298(e)(2) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by insert after subparagraph (B) the following new subparagraph (C):

''(C) For purposes of subparagraph (B) of this paragraph, the term 'present value' includes a value determined by an actuary with respect to a payment that may be made under subsection (b) from the retirement fund within the contemplation of law.''.

SEC. 602. RECALL OF RETIRED JUDGES.

(a) IN GENERAL.—Subchapter I of chapter 72 is amended by inserting after section 7254 the following new section:

''§ 7254a. Recall of retired judges

''(a) The chief judge of the United States Court of Appeals for Veterans Claims may recall to the Court any individual described in subsection (b) if—

''(1) a vacancy exists in a position of associate judge of the Court; or

''(2) the chief judge determines that the recall is necessary to meet the anticipated case work of the Court.

''(b) An individual eligible for recall to the Court under this section is any individual who—

''(1) has retired as a judge of the Court under the provisions of section 7296 of this title or the provisions of chapter 83 or 84 of title 5, as applicable; and

''(2) has submitted to the chief judge of the Court a notice of election to be so recalled.

''(c)(1) Upon determining to recall an individual to the Court under this section, the chief judge shall certify in writing to the President that—

''(A) the individual to be recalled is needed to perform substantial service for the Court; and

''(B) such service is required for a specified period of time.

''(2) The chief judge shall provide a copy of any certification submitted to the President under paragraph (1) to the Committees on Veterans' Affairs of the Senate and House of Representatives.

''(3)(A) An individual may be recalled to the Court under this section only with the written consent of the individual.

''(B) The individual shall be recalled only for the period of time specified in the certification with respect to the individual under paragraph (1).

''(d) An individual recalled to the Court under this section may exercise all of the powers and duties of office of a judge of the Court in active service on the Court.

''(e)(1) An individual recalled to the Court under this section shall, during the period for which the individual serves in recall status under this section, be paid pay at a rate equivalent to the rate of pay in effect under section 7253(e)(2) of this title for a judge serving on the Court minus the amount of retired pay paid to the individual under section 7296 of this title or of an annuity under the provisions of chapter 83 or 84 of title 5, as applicable.

''(2) Amounts paid an individual under this subsection shall not be treated as compensation for employment with the United States for purposes of section 7296(e) of this title or any provision of title 5 relating to the receipt or forfeiture of retired pay or retirement annuities by a person accepting compensation for employment with the United States.

''(f)(1) Except as provided in subsection (e), an individual recalled to the Court under this section who retired under the applicable provisions of title 5 shall be considered to be

a reemployed annuitant under chapter 83 or 84 of title 5, as applicable.

''(2) Nothing in this section shall affect the right of an individual who retired under the provisions of chapter 83 or 84 of title 5 to serve otherwise as a reemployed annuitant in accordance with the provisions of title 5.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by inserting after the item relating to section 7254 the following new item:

''7254a. Recall of retired judges.''.

By Mr. SCHUMER (for himself, Mr. LEAHY, Mr. BYRD, Mr. REID, Mr. BAYH, Mr. INOUYE, Mr. LAUTENBERG, and Mr. LIEBERMAN):

S. 1077. A bill to dedicate the new Amtrak station in New York, New York, to Senator DANIEL PATRICK MOYNIHAN; to the Committee on Environment and Public Works.

DANIEL PATRICK MOYNIHAN STATION

Mr. SCHUMER. Mr. President, I rise today to introduce a bill to name the new train station at the James A. Farley Post Office Building, which sits across the street from Pennsylvania Station in Manhattan, after my esteemed colleague and tireless champion of this project, Senator DANIEL PATRICK MOYNIHAN.

It is an especially fitting tribute to offer this bill today as President Bill Clinton, Governor George Pataki, Mayor Rudolph Giuliani, Transportation Secretary Rodney Slater, Postmaster General William Henderson and Senator MOYNIHAN all gathered this morning at the Farley Building to officially unveil the magnificent new station plan, designed by the celebrated architect David Childs of Skidmore, Owings & Merrill. I am deeply sorry that I could not attend that event, which I understand was a success in every way, but other matters called me here to the floor.

First, let me praise the vision and determination of my dear friend, the senior Senator from New York. In 1963, long before he was a Senator and, in fact, when I was 12 years old PAT MOYNIHAN was one of a group of prescient New Yorkers who protested the tragic razing of our City's spectacular Pennsylvania Station—a glorious public building designed by the nation's premier architectural firm of the time, McKim, Mead & White.

It was PAT MOYNIHAN who recognized years ago that across the street from what is now a sad basement terminal that functions—barely—as New York City's train station, sits the James A. Farley Post Office Building, built by the same architects in much the same grand design as the old Penn Station. PAT MOYNIHAN recognized that since the very same railroad tracks that run under the current Penn Station also run beneath the Farley Building, we could use the Farley Building to once again create a train station worthy of our great city. He then tirelessly did the impossible—persuaded New York City, New York State, the U.S. Postal Service, the U.S. Department of Transportation, Amtrak, Congressional Appropriators, and the President himself, to commit to making this project succeed. No mean feat, I assure you. In a day, particularly in our city, when grand public works often get bugged down in fighting and court suits, it is a tribute to Senator MOYNIHAN that not only did he have the vision to see the station, but he also had the muscle and legislative skill to see it through.

This past Sunday, Herbert Muschamp, the noted New York Times architecture critic praised Childs' design, which brilliantly fuses the classical elements of the Farley Building with a dramatic, light-filled concourse and a spectacular new ticketing area. Muschamp adds: ''In an era better known for the decrepitude of its infrastructure than for inspiring new visions of the city's future, the plan comes as proof that New York can still undertake major public works. This is the most important transportation project undertaken in New York City in several generations.'' We have PAT MOYNIHAN to thank.

That Senator MOYNIHAN would be responsible for the success of this project is no surprise. His passion for and dedication to public architecture is well known and dates back to his days as a young aide to President Kennedy, who, right before his death, tasked MOYNIHAN with restoring Pennsylvania Avenue here in Washington.

MOYNIHAN succeeded brilliantly in his task, with the final piece of Pennsylvania Avenue—the Ronald Reagan Building and International Trade Center—unveiled one year ago and instantly hailed as one of the best new buildings to grace the Capital. MOYNIHAN has another renowned Federal building to his credit—the Thurgood Marshall Judiciary Building, which provides such a beautiful companion to Union Station and the Old Post Office.

In New York City, MOYNIHAN has been an equally tireless architectural champion, responsible for the restoration of the spectacular Beaux-Arts Custom House at Bowling Green and for the construction of a grand new Federal Courthouse at Foley Square. MOYNIHAN is beloved in Buffalo for reawakening that city's appreciation for its architectural heritage, which includes Frank Lloyd Wright houses and the Prudential Building, one of the best-known early American skyscrapers by the architect Louis Sullivan—a building which MOYNIHAN helped restore and then chose as his Buffalo office. When he first came to Buffalo he told me that nowhere else in America had the three greatest American architects of the 20th century, Frank Lloyd Wright, Henry Richardson and Louis Sullivan, had buildings standing near one another.

He has also spurred a popular movement in Buffalo to build a new signature Peace Bridge.

So my colleagues, it is altogether fitting and appropriate that this new Penn Station be named in honor of our distinguished senior Senator from New York, someone who is my friend and who I wish was staying in the Senate for a longer period of time—someone I will dearly miss. It is an honor to stand here and offer this tribute to such an uncommon man, because Senator MOYNIHAN himself is indeed a national treasure.

Truly, the epitaph given to Sir Christopher Wren, designer of St. Paul's Cathedral in London, is fitting for Senator MOYNIHAN. If my colleagues will pardon my pronunciation, for my Latin isn't that good: ''Si Monumentum Requiris Circumspice,'' ''If you would see the man's monument, look around.

I join my fellow New Yorkers in anxiously awaiting the day when we arrive at the glorious DANIEL PATRICK MOYNIHAN Station.

Mr. President, I ask unanimous consent the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF DANIEL PATRICK MOYNIHAN STATION.

The Amtrak station to be constructed in the James A. Farley Post Office Building in New York, New York, shall be known and designated as the ''Daniel Patrick Moynihan Station''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Amtrak station referred to in section 1 shall be deemed to be a reference to the ''Daniel Patrick Moynihan Station''.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I compliment the distinguished Senator from New York. I did not hear a word I disagreed with. I only wish to hear it amplified throughout the Nation.

I ask unanimous consent I be listed as a cosponsor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, would the Senator yield briefly that I might compliment him?

Mr. SCHUMER. I am delighted to yield to my distinguished senior colleague from West Virginia.

Mr. BYRD. Would he mind if I asked to be a cosponsor of this resolution?

Mr. SCHUMER. I will be honored and delighted, as I know Senator MOYNIHAN will be.

Mr. BYRD. Because Senator MOYNIHAN is truly a man of eloquence and wit and vision and grace. We are going to miss him. He has been a powerful influence in this Senate. He has served in the executive branch, served with brilliance and with honor. And, like Christopher Wren—''if you would see his monument, look about you''—Senator MOYNIHAN leaves many monuments. Perhaps the greatest monument of all is that mark he has left upon the hearts of his colleagues who will miss

him and his powerful influence, his wisdom, his vision, when he has left this Senate.

I congratulate the Senator on offering this resolution. I will be very grateful if he will allow me to be a cosponsor. It is one of the least things I can do to honor my colleague, one whom I love, one whom I revere, one whom I respect, and one who has shown himself to be a leader in this Senate.

I thank the Senator.

Mr. SCHUMER. I thank the Senator from West Virginia.

Mr. LAUTENBERG. Mr. President, may I be recognized to join in this tribute?

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I want to say to our fairly new colleague from New York that he could not have picked an issue upon which he could get more solid agreement. One does not have to be a Democrat or an easterner or have any special connection to respect and to so greatly appreciate the contributions made by Senator DANIEL PATRICK MOYNIHAN.

He had this capacity—I know, since we served together on the Environment Committee—not unlike, in many ways, the senior Senator from West Virginia, and that was to bring their respective knowledge to a discussion or debate or to a hearing, that—I speak for myself—would make me sit up and take notice. I felt transported from this white-haired, wizened old face to a college student again and remembered how much I enjoyed some of the classes I attended where we had a professor, an instructor who conveyed the message in an interesting form, not just the statistics or the parameters of the particular discussion.

So it is with PAT MOYNIHAN. Any of us who have spent any time with PAT have always been amazed at the abundance of knowledge he has, whether we were talking about the New York State canal system or whether we were talking about the highway system or the developments in the Indian Ocean or you name the subject. No matter how impromptu or how unexpected the discussion, PAT MOYNIHAN always has the capacity to discuss the subject intelligently and deeply.

Any tribute that we give to this man is not fair compensation for that which he has given this country and has given this body. His abundance of gifts to us are so profound that many years from now they will still be talking about those of greatness who graced this Chamber and PAT MOYNIHAN will be one of those without a doubt.

I am pleased to call him my friend. I hope since we live in such close proximity, our representation of New York and New Jersey, that there will be tributes and testimonies to his contribution. He is a self-effacing fellow. He does not like to hear a bunch of compliments, but we are not going to let him get away with that now.

I commend my colleague, the junior Senator from New York, for his wisdom and his thought in bringing this to us.

By Mr. MACK (for himself, Mr. KOHL, and Mr. GRASSLEY):

S. 1079. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals subject to Federal hours of service; to the Committee on Finance.

TAX LEGISLATION

Mr. MACK. Mr. President, two years ago in the Taxpayer Relief Act of 1997, we included a provision to correct an unfair and unsound tax policy of the Clinton Administration concerning business meal deductions. The 1993 Clinton tax increases included a reduction in the percentage of business meal expenses that could be deducted, from 80 percent down to 50 percent. The Administration marketed this as an attack on the ''three martini lunch,'' but the tax increase was in fact a big blow to the wallets and pocketbooks of working class Americans whose jobs require them to be stranded far from home.

Workers who are covered by federal ''hours of service'' regulations—long-haul truckers, airline flight attendants and pilots, long distance bus drivers, some merchant mariners and railroad workers—have no choice but to eat their meals on the road. Their meal expenses are a necessary and unavoidable part of their jobs. The Clinton Administration's business meal tax increase hit these occupations hard. For the average trucker, making between $32,000 and $36,000 annually, this tax increase might be greater than $1,000 per year. This is a lot of money to these hard-working taxpayers.

Congress addressed this inequity in 1997, passing a provision that would gradually raise the meal deduction percentage back to 80 percent for these workers. But a slow, gradual fix is not good enough. Today, Senator KOHL, Senator GRASSLEY, and I are introducing a bill that would immediately restore the 80 percent deduction for truckers, flight crews, and other workers limited by the federal ''hours of service'' regulations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASED DEDUCTIBILITY OF BUSINESS MEAL EXPENSES FOR INDIVIDUALS SUBJECT TO FEDERAL LIMITATIONS ON HOURS OF SERVICE.

(a) IN GENERAL.—Paragraph (3) of section 274(n) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended to read as follows:

''(3) SPECIAL RULE FOR INDIVIDUALS SUBJECT TO FEDERAL HOURS OF SERVICE.—In the case of any expenses for food or beverages consumed while away from home (within the meaning of section 162(a)(2)) by an individual during, or incident to, the period of duty subject to the hours of service limitations of the Department of Transportation, paragraph (1) shall be applied by substituting '80 percent' for '50 percent'.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1999.

By Mr. TORRICELLI (for himself, Mr. SCHUMER, and Mr. DURBIN):

S. 1080. A bill to amend title 18, United States Code, to prohibit gunrunning and provide mandatory minimum penalties for crimes related to gunrunning; to the Committee on the Judiciary.

GUN KINGPIN PENALTY ACT

Mr. TORRICELLI. Mr. President, I rise today, along with my colleagues from New York and Illinois, Senator SCHUMER and Senator DURBIN, to introduce the Gun Kingpin Penalty Act of 1999. In introducing this bill, we hope that our colleagues will soon join us in sending a clear and strong signal to gunrunners—your actions will no longer be tolerated.

Mr. President, recent numbers gathered by the Bureau of Alcohol, Tobacco and Firearms clearly demonstrate what many of us already knew all too well—several of our nation's highways have become pipelines for merchants of death who deal in illegal firearms.

My own State of New Jersey is proud to have some of the toughest gun control laws in the nation. But for far too long, the courageous efforts of New Jersey citizens in enacting these tough laws have been weakened by out of state gunrunners who treat our State like their own personal retail outlet.

We learned from the ATF data that in 1996, New Jersey exported fewer guns used in crimes, per capita, than any other state—less than one gun per 100,000 residents, or 75 total guns. Meanwhile, an incredible number of guns used to commit crimes in New Jersey last year came from out of state—944 guns were imported and used to commit crimes compared to only 75 exported—a net import of 869 illegal guns used to commit crimes against the people of New Jersey.

This represents a one way street—guns come from states with lax gun laws straight to states (like New Jersey) with strong laws. It is clear that New Jersey's strong gun control laws offer criminals little choice but to import their guns from states with weak laws. We must act on a federal level to send a clear message that this cannot continue and will not be tolerated.

The Gun Kingpin Penalty Act would create a new federal gunrunning offense for any person who, within a twelve-month period, transports more than 5 guns to another state with the intent of transferring all of the weapons to another person. The Act would establish mandatory minimum penalties for gunrunning as follows:

A mandatory 3 year minimum sentence for a first offense involving 5–50 guns; a mandatory 5 year minimum sentence for second offense involving 5–50 guns; and a mandatory 15 year minimum sentence for any offense involving more than 50 guns.

Additionally, the bill contains two ''blood on the hands'' provisions, which will significantly increase penalties for a gunrunner who transfers a gun subsequently used to seriously injure or kill another person. A mandatory 10 year minimum sentence is required if one of the smuggled guns is used within 3 years to kill or seriously injure another person. And a mandatory 25 year minimum sentence must be imposed if one of the smuggled guns is used within 3 years to kill or seriously injure another person and more than 50 guns were smuggled.

Finally, our bill adds numerous gunrunning crimes as RICO predicates, and authorizes 200 additional Treasury personnel to enforce the Act—Congress must provide law enforcement with the resources to enforce the laws we pass.

The fight against gun violence is a long-term, many-staged process. We succeeded in enacting the Brady bill and the ban on devastating assault weapons. And these laws have been effective: more than a quarter of a million prohibited individuals have already been denied a handgun due to Brady background check—70% of these people were either felons or domestic violence offenders. Traces of assault weapons have plummeted since the ban, and prices have gone up.

We can never rest though when it comes to gun violence. This problem will not just go away, and we cannot stand by and watch as innocent men, women and children die at the hands of criminals armed with these guns. I urge my colleagues to support this bill, and I ask unanimous censent that the full text of the legislation be printed in the RECORD.

There being no objection, the legislation was ordered to be printed in the RECORD, as follows:

S. 1080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Gun Kingpin Penalty Act''.

SEC. 2. GUN KINGPIN PENALTIES.

(a) PROHIBITION AGAINST GUNRUNNING.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

''(z) It shall be unlawful for a person not licensed under section 923 to ship or transport, or conspire to ship or transport, 5 or more firearms from a State into another State during any period of 12 consecutive months, with the intent to transfer all of such firearms to another person who is not so licensed.''.

(b) MANDATORY MINIMUM PENALTIES FOR CRIMES RELATED TO GUNRUNNING.—Section 924 of title 18, United States Code, is amended by adding at the end the following:

''(p)(1)(A)(i) Whoever violates section 922(z) shall, except as otherwise provided in this subsection, be imprisoned not less than 3 years, and may be fined under this title.

''(ii) In the case of a person's second or subsequent violation described in clause (i), the term of imprisonment shall be not less than 5 years.

''(B) If a firearm which is shipped or transported in violation of section 922(z) is used subsequently by the person to whom shipped or transported, or by any person within 3 years after the shipment or transportation, in an offense in which a person is killed or suffers serious bodily injury, the term of imprisonment for the violation shall be not less than 10 years.

''(C) If more than 50 firearms are the subject of a violation of section 922(z), the term of imprisonment for the violation shall be not less than 15 years.

''(D) If more than 50 firearms are the subject of a violation of section 922(z) and 1 of the firearms is used subsequently by the person to whom shipped or transported, or by any person within 3 years after the shipment or transportation, in an offense in which a person is killed or suffers serious bodily injury, the term of imprisonment for the violation shall be not less than 25 years.

''(2) Notwithstanding any other provision of law, the court shall not impose a probationary sentence or suspend the sentence of a person convicted of a violation of this subsection, nor shall any term of imprisonment imposed on a person under this subsection run concurrently with any other term of imprisonment imposed on the person by a court of the United States.''.

(c) CRIMES RELATED TO GUNRUNNING MADE PREDICATE OFFENSES UNDER RICO.—Section 1961(1)(B) of title 18, United States Code, is amended by inserting ''section 922(a)(1)(A) (relating to unlicensed importation, manufacture, or dealing in firearms), section 922(a)(3) (relating to interstate transportation or receipt of firearm), section 922(a)(5) (relating to transfer of firearm to person from another State), or section 922(a)(6) (relating to false statements made in acquisition of firearm or ammunition from licensee), section 922(d) (relating to disposition of firearm or ammunition to a prohibited person), section 922(g) (relating to receipt of firearm or ammunition by a prohibited person), section 922(h) (relating to possession of firearm or ammunition on behalf of a prohibited person), section 922(i) (relating to transportation of stolen firearm or ammunition), section 922(j) (relating to receipt of stolen firearm or ammunition), section 922(k) (relating to transportation or receipt of firearm with altered serial number), section 922(z) (relating to gunrunning), section 924(b) (relating to shipment or receipt of firearm for use in a crime),'' before ''section 1028''.

(d) ENFORCEMENT.—The Secretary of the Treasury may hire and employ 200 personnel, in addition to any personnel hired and employed by the Department of the Treasury under other law, to enforce the amendments made by this section, notwithstanding any limitations imposed by or under the Federal Workforce Restructuring Act.

By Mr. TORRICELLI:

S. 1081. A bill to amend section 842 of title 18, United States Code, relating to explosive materials, to the Committee on the Judiciary.

EXPLOSIVES PROTECTION ACT OF 1999

Mr. TORRICELLI. Mr. President, on the morning of April 19, 1995, in one horrible moment, an explosion devastated the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, and took the lives of 168 Americans.

Every year, thousands of people are killed or maimed because of the use or misuse of illegal explosive devices, and millions of dollars in property is lost. Between 1991 and 1995, there were more than 14,000 actual and attempted criminal bombings. 326 people were killed and another 2,970 injured in these incidents and more than $6 million in property damage resulted.

In recent years, the criminal use of explosives has moved in a new direction, as is evidenced by the bombings of the World Trade Center in New York and the Oklahoma City bombing. These two incidents took the lives of many innocent men, women, and children, left others permanently scarred, and caused great suffering for the families of the victims—as well as all of America. These crimes were intended to tear the very fabric of our society; instead, their tragic consequences served to strengthen our resolve to stand firm against the insanity of terrorism and the criminal use of explosives.

In the wake of the Oklahoma City bombing, I was stunned—as were many—to learn how few restrictions on the use and sale of explosives really exist. I soon after introduced this legislation, the ''Explosives Protection Act'' to take a first step towards protecting the American people from those who would use explosives to do them harm. I am introducing it again today in the hope that this bill will, in some small way, prevent future bombings—whether by terrorists of symbolic targets, malcontents of random ones, or even spouses involved in marital disputes.

While we have increasingly restricted the number of people who can obtain and use a firearm, we have been lax in extending these prohibitions to explosives. For instance, while we prohibit illegal aliens from obtaining a gun, we allow them to obtain explosives without restriction. And someone who has been dishonorably discharged from the armed forces can no longer buy a gun, but can purchase a truckload full of explosives. The same is true for people who have renounced U.S. citizenship, people who have acted in such a way as to have restraining orders issued against them, and those with domestic violence convictions.

Each of these categories of persons are prohibited from obtaining firearms, but face no such prohibition on obtaining explosive material. Many of these differences in the law are simply oversights—Congress has often acted to limit the use and sale of firearms, and has neglected to bring explosives law into line. And in so doing, we have made it all too easy for many of the most dangerous or least accountable members of society to obtain materials which can result in an equal or even greater loss of life.

Congress has already made the determination that certain members of society should not have access to firearms, and the same logic clearly applies to dangerous and destructive explosive materials. It is time to bring explosives laws into line with gun laws. My bill would simply expand the list of people prohibited from purchasing explosives so that it mirrors the list of people already prohibited from purchasing firearms.

This is a simple bill meant only to correct longstanding gaps and loopholes in current law. I hope we can quickly move to get this passed and protect Americans from future acts of explosive destruction. I ask unanimous consent that the full text of the legislation be printed in the RECORD.

There being no objection, the legislation was ordered to be printed in the RECORD, as follows:

S. 1081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Explosives Protection Act of 1999''.

SEC. 2. PROHIBITIONS RELATING TO EXPLOSIVE MATERIALS.

(a) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

''(d) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—It shall be unlawful for any licensee to knowingly sell, deliver, or transfer any explosive materials to any individual who—

''(1) is less than 21 years of age;

''(2) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

''(3) is a fugitive from justice;

''(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(5) has been adjudicated as a mental defective or has been committed to any mental institution;

''(6) being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

''(7) has been discharged from the Armed Forces under dishonorable conditions;

''(8) having been a citizen of the United States, has renounced his citizenship;

''(9) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

''(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

''(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

''(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

''(10) has been convicted in any court of a misdemeanor crime of domestic violence.''.

(b) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (i) and inserting the following:

''(i) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—It shall be unlawful for any person to ship or transport in interstate or foreign commerce, or possess, in or affecting commerce, any explosive, or to receive any explosive that has been shipped or transported in interstate or foreign commerce, if that person—

''(1) is less than 21 years of age;

''(2) has been convicted in any court, of a crime punishable by imprisonment for a term exceeding 1 year;

''(3) is a fugitive from justice;

''(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(5) has been adjudicated as a mental defective or who has been committed to a mental institution;

''(6) being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

''(7) has been discharged from the Armed Forces under dishonorable conditions;

''(8) having been a citizen of the United States, has renounced his citizenship; or

''(9) is subject to a court order that—

''(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

''(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

''(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

''(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

''(10) has been convicted in any court of a misdemeanor crime of domestic violence.''.

(c) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—Section 845 of title 18, United States Code, is amended by adding at the end the following:

''(d) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

''(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

''(2) EXCEPTIONS.—Subsections (d)(5)(B) and (i)(5)(B) of section 842 do not apply to any alien who has been lawfully admitted to the United States pursuant to a nonimmigrant visa, if that alien is—

''(A) admitted to the United States for lawful hunting or sporting purposes;

''(B) a foreign military personnel on official assignment to the United States;

''(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

''(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

''(3) WAIVER.—

''(A) IN GENERAL.—Any individual who has been admitted to the United States under a nonimmigrant visa and who is not described in paragraph (2), may receive a waiver from the applicability of subsection (d)(5)(B) or (i)(5)(B) of section 842, if—

''(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (B); and

''(ii) the Attorney General approves the petition.

''(B) PETITIONS.—Each petition under subparagraph (A)(i) shall—

''(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

''(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to engage in any activity prohibited under subsection (d) or (i) of section 842, as applicable, and certifying that the petitioner would not otherwise be prohibited from engaging in that activity under subsection (d) or (i) of section 842, as applicable.''.

By Mr. TORRICELLI:

S. 1082. A bill to amend part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide assistance for unincorporated neighborhood watch programs; to the Committee on the Judiciary.

NEIGHBORHOOD WATCH PARTNERSHIP ACT OF 1999

Mr. TORRICELLI. Mr. President, today I rise today to introduce the ''Neighborhood Watch Partnership Act of 1999.'' This bill will broaden the eligibility of groups that may apply for essential funding for neighborhood watch activities.

Communities across the country are finding sensible ways to solve local problems. Through partnerships with local police, neighborhood watch groups are having a decisive impact on crime. There are almost 20,000 such groups creating innovative programs that promote community involvement in crime prevention techniques. They empower community members and organize them against rape, burglary, and all forms of fear on the street. They forge bonds between law enforcement and the communities they serve.

Unfortunately, many communities find it difficult to afford the often expensive equipment such as cellphones and CBs needed to start a neighborhood watch organization. While the COPS program within the Department of Justice provides funding for some neighborhood watch groups, an organization must incorporate to benefit from the current program. A mere 2000 of the nearly 20,000 groups incorporate, however, meaning that the vast majority of watch groups cannot apply for funding assistance. This makes very little sense.

The time has come to make a clear commitment to these groups. That is why I am introducing a bill to extend COPS funding to unincorporated neighborhood watch organizations. The bill would provide grants of up to $1,950 to these groups. Under current law, either the local police chief or sheriff must

approve grant requests by unincorporated watch groups. We would impose the same requirement on unincorporated groups, thus providing accountability for the disbursement of funds.

Mr. President, neighborhood watch organizations provide an invaluable service. By extending the partnership between community policing and watch group organizations, we will boldly encourage small and large communities to preserve and create crime prevention tools. We should act now. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ASSISTANCE FOR UNINCORPORATED NEIGHBORHOOD WATCH PROGRAMS.

(a) SHORT TITLE.—This Act maybe cited as the ''Neighborhood Watch Partnership Act of 1999''.

(b) IN GENERAL.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(12) provide assistance to unincorporated neighborhood watch organizations approved by the appropriate local police or sheriff's department, in an amount equal to not more than $1950 per organization, for the purchase of citizen band radios, street signs, magnetic signs, flashlights, and other equipment relating to neighborhood watch patrols.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A), by striking clause (vi) and inserting the following:

''(vi) $282,625,000 for fiscal year 2000.''; and

(2) in subparagraph (B) by inserting after ''(B)'' the following: ''Of amounts made available to carry out part Q in each fiscal year $14,625,000 shall be used to carry out section 1701(d)(12).''.

By Mr. TORRICELLI (for himself and Mr. KOHL):

S. 1083. A bill to expedite State review of criminal records of applicants for bail enforcement officer employment, and for other purposes; to the Committee on the Judiciary.

BOUNTY HUNTER ACCOUNTABILITY AND QUALITY ASSISTANCE ACT OF 1999

Mr. TORRICELLI. Mr. President, I rise today to introduce the ''Bounty Hunter Accountability and Quality Assurance Act of 1999.'' This bill will begin the process of reforming the revered but antiquated system of bail enforcement in this country.

Throughout our nation's proud history, bounty hunters have proved a valuable addition to our law enforcement and recovery efforts. About 40 percent of all criminal defendants are released on bail each year, and in 1996 alone more than 33,000 skipped town. Police departments, no matter how efficient or determined, cannot be expected to deal with so many bail jumpers in addition to their other duties. Thus, while public law enforcement officers recover only about 10 percent of defendants who skip town, bounty hunters catch an incredible 88 percent of bail jumpers.

Because of the special, contractual nature of the relationship between bail bondsmen and those who use them to get out of jail, bounty hunters have traditionally enjoyed special rights—a nineteenth century Supreme Court case affirmed that while bounty hunters may exercise many of the powers granted to police, they are not subject to many of the constitutional checks we place on those law enforcement officials. As a result, bounty hunters need not worry about Miranda rights, extradition proceedings, or search warrants.

The ability to more efficiently track and recover criminal defendants serves a valuable purpose in our society. But the lack of constitutional checks on bounty hunters also opens the system up to the risk of abuse. Each of us has read or heard about cases in which legitimate bounty hunters or those simply posing as recovery agents have wrongfully entered a dwelling or captured the wrong person.

In one recent Arizona case, several men claiming to be bounty hunters broke into a house, terrorized a family and ended up killing a young couple who tried to defend against the attack. It now appears that these men were simply ''posing'' as bounty hunters, but there are other reported incidents in which ''legitimate'' bounty hunters have broken down the wrong door, kidnaped the wrong person, or physically abused the targets of their searches. And there is little recourse for the innocent victims of wrongful acts.

This legislaiton would begin the process of making bounty hunters more accountable to the public they serve, and would help to restore confidence in the bail enforcement system. The bill would not unduly impose the will of the federal government on states, which have traditionally regulated bounty hunters.

The ''Bounty Hunter Accountability and Quality Assurance Act'' directs the Attorney General of the United States to establish model guidelines for states to follow when creating their own bail enforcement regulations. In the course of her work, the Attorney General will be specifcially directed to look into three areas identified by the bill—whether bounty hunters should be required to ''knock and announce'' before entering a dwelling, whether they should be required to carry liability insurance (most already do), and whether convicted felons should be allowed to obtain employment as bounty hunters.

Mr. President, it is time to start the process of making rouge bounty hunters more accountable, while at the same time restoring America's confidence in the long tradition of bail enforcement that dates from the earliest days of this nation. I urge my colleagues to join me in taking this first step toward this process.

I ask unanimous consent that the full text of this bill be printed in the RECORD.

S. 1083

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bounty Hunter Accountability and Quality Assistance Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) bail enforcement officers, also known as bounty hunters or recovery agents, provide law enforcement officers with valuable assistance in recovering fugitives from justice;

(2) regardless of the differences in their duties, skills, and responsibilities, the public has had difficulty in discerning the difference between law enforcement officers and bail enforcement officers;

(3) the American public demands the employment of qualified, well-trained bail enforcement officers as an adjunct, but not a replacement for, law enforcement officers; and

(4) in the course of their duties, bail enforcement officers often move in and affect interstate commerce.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term ''bail enforcement employer'' means any person that—

(A) employs 1 or more bail enforcement officers; or

(B) provides, as an independent contractor, for consideration, the services of 1 or more bail enforcement officers (which may include the services of that person);

(2) the term ''bail enforcement officer''—

(A) means any person employed to obtain the recovery of any fugitive from justice who has been released on bail; and

(B) does not include any—

(i) law enforcement officer;

(ii) attorney, accountant, or other professional licensed under applicable State law;

(iii) employee whose duties are primarily internal audit or credit functions; or

(iv) member of the Armed Forces on active duty; and

(3) the term ''law enforcement officer'' means a public servant authorized under applicable State law to conduct or engage in the prevention, investigation, prosecution, or adjudication of criminal offenses, including any public servant engaged in corrections, parole, or probation functions.

SEC. 4. BACKGROUND CHECKS.

(a) IN GENERAL.—

(1) SUBMISSION.—An association of bail enforcement employers, which shall be designated for the purposes of this section by the Attorney General, may submit to the Attorney General fingerprints or other methods of positive identification approved by the Attorney General, on behalf of any applicant for a State license or certificate of registration as a bail enforcement officer or a bail enforcement employer.

(2) EXCHANGE.—In response to a submission under paragraph (1), the Attorney General may, to the extent provided by State law conforming to the requirements of the second paragraph under the heading ''Federal Bureau of Investigation'' and the subheading ''Salaries and Expenses'' in title II of Public Law 92–544 (86 Stat. 1115), exchange, for licensing and employment purposes, identification and criminal history records with

the State governmental agencies to which the applicant has applied.

(b) REGULATIONS.—The Attorney General may promulgate such regulations as may be necessary to carry out this section, including measures relating to the security, confidentiality, accuracy, use, and dissemination of information submitted or exchanged under subsection (a) and to audits and recordkeeping requirements relating to that information.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the number of submissions made by the association of bail enforcement employers under subsection (a)(1), and the disposition of each application to which those submissions related.

(d) STATE PARTICIPATION.—It is the sense of Congress that each State should participate, to the maximum extent practicable, in any exchange with the Attorney General under subsection (a)(2).

SEC. 5. MODEL GUIDELINES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall publish in the Federal Register model guidelines for the State control and regulation of persons employed or applying for employment as bail enforcement officers.

(b) RECOMMENDATIONS.—The guidelines published under subsection (a) shall include recommendations of the Attorney General regarding whether a person seeking employment as a bail enforcement officer should be—

(1) allowed to obtain such employment if that person has been convicted of a felony offense under Federal law, or of any offense under State law that would be a felony if charged under Federal law;

(2) required to obtain adequate liability insurance for actions taken in the course of performing duties pursuant to employment as a bail enforcement officer; or

(3) prohibited, if acting in the capacity of that person as a bail enforcement officer, from entering any private dwelling, unless that person first knocks on the front door and announces the presence of 1 or more bail enforcement officers.

(c) BYRNE GRANT PREFERENCE FOR CERTAIN STATES.—

(1) IN GENERAL.—Section 505 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) is amended by adding at the end the following:

''(e) PREFERENCE FOR CERTAIN STATES.—Notwithstanding any other provision of this part, in making grants to States under this subpart, the Director shall give priority to States that have adopted the model guidelines published under section 5(a) of the Bounty Hunter Accountability and Quality Assistance Act of 1999.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 2 years after the date of enactment of this Act.

SEC. 6. JOINT AND SEVERAL LIABILITY FOR ACTIVITIES OF BAIL ENFORCEMENT OFFICERS.

Notwithstanding any other provision of law, a bail enforcement officer, whether acting as an independent contractor or as an employee of a bail enforcement employer on a bail bond, shall be considered to be the agent of that bail enforcement employer for the purposes of that liability.

By Mr. MCCAIN (for himself, Mr. BRYAN, and Ms. SNOWE):

S. 1084. A bill to amend the Communications Act of 1934 to protect consumers from the unauthorized switching of their long-distance service; to the Committee on Commerce, Science, and Transportation.

TELECOMMUNICATIONS COMPETITION AND CONSUMER PROTECTION ACT OF 1999

Mr. MCCAIN. Mr. President, I rise today to introduce legislation, cosponsored by Senators Bryan and Snowe, designed to stop the widespread anticonsumer telemarketing abuse known as ''slamming.'' Since virtually every consumer has either been ''slammed'' or knows someone who has, it's probably unnecessary to add that ''slamming'' is the practice whereby a consumer's chosen long-distance telephone company is changed without the consumer's knowledge or consent. Given the pervasiveness of this unscrupulous practice, it comes as no surprise that slamming has been the number one consumer complaint for the last several years.

This marks the third time I have introduced antislamming legislation. Last year a similar antislamming bill failed to become law when the legislative clock ran out before the House of Representatives acted, despite the fact that the bill incorporated a number of provisions that the House had insisted upon, and which the Senate believed weren't tough enough on slammers.

The reason I return today with a slamming bill is that, in the absence of legislation, the Federal Communications Commission adopted a set of antislamming rules that a reviewing court has now stayed. As a result, consumers are once again without the immediate prospect of any effective antislamming laws. This legislation is intended to provide some.

But there is also another reason for reintroducing antislamming legislation. The main reason the court stayed the FCC's antislamming rules is that the long-distance companies—the very companies who are responsible for slamming in the first place—asked the court to do so because of an alternative antislamming scheme these companies dreamed up and now want the FCC to implement. Pursuant to the long-distance companies' plan, the long-distance companies—they're the slammers, remember—would hire a supposedly independent ''third-party administrator'' who would handle enforcement of the antislamming rules instead of the FCC. Given the fact that virtually everyone other than the long-distance companies, including state enforcement authorities, are foursquare against this proposal, the long-distance companies' court strategy ups the ante on the FCC to cave in and adopt this obviously self-serving plan.

Not since the fox volunteered to watch the henhouse have we seen such a demonstration of solicitude for the well-being of the vulnerable.

There are many instances in which industry comes up with creative ways for government to deal with industry problems. This isn't one of them.

Let's call it what it is. This scheme is the latest manifestation of an ongoing effort by the long-distance companies to avoid having to face up to real penalties if they can't make their telemarketers stop slamming people. Their rhetoric deplores slamming, but their machinations before Congress and the FCC show otherwise. And if the FCC—the supposedly pro-consumer FCC—were to even flirt with the notion of embracing the long-distance industry's scheme, it would show, when push comes to shove, whose interests would really matter to this agency.

In a published court opinion, Judge Lawrence Silberman of the D.C. Court of Appeals referred to something else the FCC once did as being ''not just stupid—criminally stupid.'' Mr. President, it would be either criminal stupidity, or duplicity of the highest order, for the FCC to ignore the views of everyone except the big long-distance companies and adopt their blatantly anticonsumer plan.

As I said when I introduced the similar legislation last October, this bill isn't perfect—it contains provisions generated by the House of Representatives, that I consider much too slammer-friendly. But it's still a lot better than the industry-promoted alternative. And so I offer to better protect consumers and to send the FCC the message that it's their duty to do the same.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Telecommunications Competition and Consumer Protection Act of 1999''.

TITLE I—SLAMMING

SEC. 101. IMPROVED PROTECTION FOR CONSUMERS.

(a) CONSUMER PROTECTION PRACTICES.—Section 258 of the Communications Act of 1934 (47 U.S.C. 258) is amended to read as follows:

''SEC. 258. ILLEGAL CHANGES IN SUBSCRIBER SELECTIONS OF CARRIERS.

''(a) ALTERNATIVE MODES OF REGULATION.—

''(1) INDUSTRY/COMMISSION CODE.—Within 180 days after the date of enactment of the Telecommunications Competition and Consumer Protection Act of 1999, the Commission, after consulting with the Federal Trade Commission and representatives of telecommunications carriers providing telephone toll service and telephone exchange service, State commissions, and consumers, and considering any proposals developed by such representatives, shall prescribe, after notice and public comment and in accordance with subsection (b), a Code of Subscriber Protection Practices (hereinafter in this section referred as the 'Code') governing changes in a subscriber's selection of a provider of telephone exchange service or telephone toll service.

''(2) OBLIGATION TO COMPLY.—No telecommunications carrier (including a reseller of telecommunications services) shall submit or execute a change in a subscriber's selection of a provider of telephone exchange

service or telephone toll service except in accordance with—

''(A) the Code, if such carrier elects to comply with the Code in accordance with subsection (b)(2); or

''(B) the requirements of subsection (c), if—

''(i) the carrier does not elect to comply with the Code under subsection (b)(2); or

''(ii) such election is revoked or withdrawn.

''(b) MINIMUM PROVISIONS OF THE CODE.—

''(1) SUBSCRIBER PROTECTION PRACTICES.—The Code required by subsection (a)(1) shall include guidelines addressing the following:

''(A) IN GENERAL.—A telecommunications carrier (including a reseller of telecommunications services) electing to comply with the Code shall submit a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service only in accordance with the provisions of the Code.

''(B) NEGATIVE OPTION.—A telecommunications carrier shall not use negative option marketing.

''(C) VERIFICATION.—A submitting carrier shall verify the subscriber's selection of the carrier in accordance with procedures specified in the Code. The executing carrier may rely on the submitting carrier's verification in executing the change or may, at its discretion, confirm the verification of a change in the subscriber's selection with the customer.

''(D) UNFAIR AND DECEPTIVE ACTS AND PRACTICES.—No telecommunications carrier, nor any person acting on behalf of any such carrier, shall engage in any unfair or deceptive acts or practices in connection with the solicitation of a change in a subscriber's selection of a telecommunications carrier.

''(E) NOTIFICATION AND RIGHTS.—A telecommunications carrier shall provide timely and accurate notification to the subscriber in accordance with procedures specified in the Code.

''(F) SLAMMING LIABILITY AND REMEDIES.—

''(i) REQUIRED REIMBURSEMENT AND CREDIT.—A telecommunications carrier that has improperly changed the subscriber's selection of a telecommunications carrier without authorization, shall at a minimum—

''(I) reimburse the subscriber for the fees associated with switching the subscriber back to their original carrier; and

''(II) provide a credit for any telecommunications charges incurred by the subscriber during the period, not to exceed 30 days, while that subscriber was improperly presubscribed.

''(ii) PROCEDURES.—The Code shall prescribe procedures by which—

''(I) a subscriber may make an allegation of a violation under clause (i);

''(II) the telecommunications carrier may rebut such allegation;

''(III) the subscriber may, without undue delay, burden, or expense, challenge the rebuttal; and

''(IV) resolve any administrative review of such an allegation within 75 days after receipt of an appeal.

''(G) RECORDKEEPING.—A telecommunications carrier shall make and maintain a record of the verification process and shall provide a copy to the subscriber immediately upon request.

''(H) QUALITY CONTROL.—A telecommunications carrier shall institute a quality control program to prevent inadvertent changes in a subscriber's selection of a carrier.

''(I) INDEPENDENT AUDITS.—A telecommunications carrier shall provide the Commission with an independent audit regarding its compliance with the Code at intervals prescribed by the Code. The Commission may require a telecommunications carrier to provide an independent audit on a more frequent basis if there is evidence that such telecommunications carrier is violating the Code.

''(2) ELECTION BY CARRIERS.—Each telecommunications carrier electing to comply with the Code shall file with the Commission within 20 days after the adoption of the Code, or within 20 days after commencing operations as a telecommunications carrier, a statement electing the Code to govern such carrier's submission or execution of a change in a customer's selection of a provider of telephone exchange service or telephone toll service. Such election by a carrier may not be revoked or withdrawn unless the Commission finds that there is good cause therefor, including a determination that the carrier has failed to adhere in good faith to the applicable provisions of the Code, and that the revocation or withdrawal is in the public interest. Any telecommunications carrier that fails to elect to comply with the Code shall be deemed to have elected to be governed by the subsection (c) and the Commission's regulations thereunder.

''(3) PENALTIES AVAILABLE.—Nothing in this subsection or in any regulations thereunder shall be construed as limiting the application of section 503 to violations of the Code.

''(c) REGULATIONS OF CARRIERS NOT ELECTING TO COMPLY WITH CODE.—

''(1) IN GENERAL.—A telecommunications carrier (including a reseller of telecommunications services) that has not elected to comply with the Code under subsection (b), or as to which the election has been withdrawn or revoked, shall not submit or execute a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service except in accordance with this subsection and such verification procedures as the Commission shall prescribe.

''(2) VERIFICATION.—

''(A) IN GENERAL.—In order to verify a subscriber's selection of a telephone exchange service or telephone toll service provider under this subsection, the telecommunications carrier submitting the change to an executing carrier shall, at a minimum, require the subscriber—

''(i) to affirm that the subscriber is authorized to select the provider of that service for the telephone number in question;

''(ii) to acknowledge the type of service to be changed as a result of the selection;

''(iii) to affirm the subscriber's intent to select the provider as the provider of that service;

''(iv) to acknowledge that the selection of the provider will result in a change in providers of that service; and

''(v) to provide such other information as the Commission considers appropriate for the protection of the subscriber.

''(B) ADDITIONAL REQUIREMENTS.—The procedures prescribed by the Commission to verify a subscriber's selection of a provider shall—

''(i) preclude the use of negative option marketing;

''(ii) provide for a complete copy of verification of a change in telephone exchange service or telephone toll service provider in oral, written, or electronic form;

''(iii) require the retention of such verification in such manner and form and for such time as the Commission considers appropriate;

''(iv) mandate that verification occur in the same language as that in which the change was solicited; and

''(v) provide for verification to be made available to a subscriber on request.

''(C) NOTICE TO SUBSCRIBER.—Whenever a telecommunication carrier submits a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service, such telecommunications carrier shall clearly notify the subscriber in writing, not more than 15 days after the change is submitted to the executing carrier—

''(i) of the subscriber's new carrier; and

''(ii) that the subscriber may request information regarding the date on which the change was agreed to and the name of the individual who authorized the change.

''(3) LIABILITY FOR VIOLATIONS.—

''(A) NOTIFICATION OF CHANGE.—The first bill issued after the effective date of a change in a subscriber's provider of telephone exchange service or telephone toll service by the executing carrier for such change shall—

''(i) prominently disclose the change in provider and the effective date of such change;

''(ii) contain the name and toll-free number of any telecommunications carrier for such new service; and

''(iii) direct the subscriber to contact the executing carrier if the subscriber believes that such change was not authorized and that the change was made in violation of this subsection, and contain the toll-free number by which to make such contact.

''(B) AUTOMATIC SWITCH-BACK OF SERVICE AND CREDIT TO CONSUMER OF CHARGES.—

''(i) OBLIGATIONS OF EXECUTING CARRIER.—If a subscriber of telephone exchange service or telephone toll service makes an allegation, orally or in writing, to the executing carrier that a violation of this subsection has occurred with respect to such subscriber—

''(I) the executing carrier shall, without charge to the subscriber, execute an immediate change in the provider of the telephone service that is the subject of the allegation to restore the previous provider of such service for the subscriber, as reflected in the records of the executing carrier;

''(II) the executing carrier shall provide an immediate credit to the subscriber's account for any charges for executing the original change of service provider;

''(III) if the executing carrier conducts billing for the carrier that is the subject of the allegation, the executing carrier shall provide an immediate credit to the subscriber's account for such service, in an amount equal to any charges for the telephone service that is the subject of the allegation incurred during the period—

''(aa) beginning upon the date of the change of service that is the subject of the allegation; and

''(bb) ending on the earlier of the date that the subscriber is restored to the previous provider, or 30 days after the date the bill described in subparagraph (A) is issued; and

''(IV) the executing carrier shall recover the costs of executing the change in provider to restore the previous provider, and any credits provided under subclauses (II) and (III), by recourse to the provider that is the subject of the allegation.

''(ii) OBLIGATIONS OF CARRIERS NOT BILLING THROUGH EXECUTING CARRIERS.—If a subscriber of telephone exchange service or telephone toll service transmits, orally or in writing, to any carrier that does not use an executing carrier to conduct billing an allegation that a violation of this subsection has occurred with respect to such subscriber, the carrier shall provide an immediate credit to the subscriber's account for such service, and the subscriber shall, except as provided in subparagraph (C)(iii), be discharged from liability, for an amount equal to any charges for the telephone service that is the subject of the allegation incurred during the period—

''(I) beginning upon the date of the change of service that is the subject of the allegation; and

''(II) ending on the earlier of the date that the subscriber is restored to the previous provider, or 30 days after the date the bill described in subparagraph (A) is issued.

''(iii) TIME LIMITATION.—This subparagraph shall apply only to allegations made by subscribers before the expiration of the 1-year period that begins on the issuance of the bill described in subparagraph (A).

''(C) PROCEDURE FOR CARRIER REMEDY.—

''(i) IN GENERAL.—The Commission shall, by rule, establish a procedure for rendering determinations with respect to violations of this subsection. Such procedure shall permit such determinations to be made upon the filing of (I) a complaint by a telecommunications carrier that was providing telephone exchange service or telephone toll service to a subscriber before the occurrence of an alleged violation, and seeking damages under clause (ii), or (II) a complaint by a telecommunications carrier that was providing services after the alleged violation, and seeking a reinstatement of charges under clause (iii). Either such complaint shall be filed not later than 6 months after the date on which any subscriber whose allegation is included in the complaint submitted an allegation of the violation to the executing carrier under subparagraph (B)(i). Either such complaint may seek determinations under this paragraph with respect to multiple alleged violations in accordance with such procedures as the Commission shall establish in the rules prescribed under this subparagraph.

''(ii) DETERMINATION OF VIOLATION AND REMEDIES.—In a proceeding under this subparagraph, if the Commission determines that a violation of this subsection has occurred, other than an inadvertent or unintentional violation, the Commission shall award damages—

''(I) to the telecommunications carrier filing the complaint, in an amount equal to the sum of (aa) the gross amount of charges that the carrier would have received from the subscriber during the violation, and (bb) $500 per violation; and

''(II) to the subscriber that was subjected to the violation, in the amount of $500.

''(iii) DETERMINATION OF NO VIOLATION.—If the Commission determines that a violation of this subsection has not occurred, the Commission shall order that any credit provided to the subscriber under subparagraph (B)(ii) be reversed, or that the carrier may resubmit a bill for the amount of the credit to the subscriber notwithstanding any discharge under subparagraph (B)(ii).

''(iv) SPEEDY RESOLUTION OF COMPLAINTS.—The procedure established under this subparagraph shall provide for a determination of each complaint filed under the procedure not later than 6 months after filing.

''(D) MAINTENANCE OF INFORMATION.—

''(i) IN GENERAL.—The Commission shall, by rule, require each executing carrier to maintain information regarding each alleged violation of this subsection of which the carrier has been notified.

''(ii) CONTENTS.—The information required to be maintained pursuant to this paragraph shall include, for each alleged violation of this subsection, the effective date of the change of service involved in the alleged violation, the name of the provider of the service to which the change was made, the name, address, and telephone number of the subscriber who was subject to the alleged violation, and the amount of any credit provided under subparagraph (B)(ii).

''(iii) FORM.—The Commission shall prescribe one or more computer data formats for the maintenance of information under this paragraph, which shall be designed to facilitate submission and compilation pursuant to this subparagraph.

''(iv) MONTHLY REPORTS.—Each executing carrier shall, on not less than a monthly basis, submit the information maintained pursuant to this subparagraph to the Commission.

''(v) ACCESS TO INFORMATION.—The Commission shall make the information submitted pursuant to clause (iv) available upon request to any telecommunications carrier. Any telecommunications carrier obtaining access to such information shall use such information exclusively for the purposes of investigating, filing, or resolving complaints under this section.

''(4) CIVIL PENALTIES.—Unless the Commission determines that there are mitigating circumstances, violation of this subsection is punishable by a forfeiture penalty under section 503 of not less than $40,000 for the first offense, and not less than $150,000 for each subsequent offense.

''(5) RECOVERY OF FORFEITURES.—The Commission may take such action as may be necessary—

''(A) to collect any forfeitures it imposes under this subsection; and

''(B) on behalf of any subscriber, to collect any damages awarded the subscriber under this subsection.

''(d) APPLICATION TO WIRELESS.—This section does not apply to a provider of commercial mobile service.

''(e) COMMISSION REQUIREMENTS.—

''(1) SEMIANNUAL REPORTS.—Every 6 months, the Commission shall compile and publish a report ranking telecommunications carriers by the percentage of verified complaints, excluding those generated by the carrier's unaffiliated resellers, compared to the number of the carrier's changes in a subscriber's selection of a provider of telephone exchange service and telephone toll service.

''(2) INVESTIGATION.—If a telecommunications carrier is listed among the 5 worst performers based upon the percentage of verified complaints, excluding those generated by the carrier's unaffiliated resellers, compared to its number of carrier selection changes in the semiannual reports 3 times in succession, the Commission shall investigate the carrier's practices regarding subscribers' selections of providers of telephone exchange service and telephone toll service. If the Commission finds that the carrier is misrepresenting adherence to the Code or is willfully and repeatedly changing subscribers' selections of providers, the Commission shall find such carrier to be in violation of this section and shall impose a civil penalty on the carrier under section 503 of up to $1,000,000.

''(3) CODE REVIEW.—Every 2 years, the Commission shall review the Code to ensure its requirements adequately protect subscribers from improper changes in a subscriber's selection of a provider of telephone exchange service and telephone toll service.

''(f) ACTIONS BY STATES.—

''(1) IN GENERAL.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has violated the Code or subsection (c), or any rule or regulation prescribed by the Commission under subsection (c), the State may bring a civil action on behalf of its residents in an appropriate district court of the United States to enjoin such violation, to enforce compliance with such Code, subsection, rule, or regulation, to obtain damages on behalf of their residents, or to obtain such further and other relief as the court may deem appropriate.

''(2) NOTICE.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Commission and provide the Commission with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil action, the Commission shall have the right (A) to intervene in such action, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.

''(3) VENUE.—Any civil action brought under this section in a district court of the United States may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or wherein the violation occurred or is occurring, and process in such cases may be served in any district in which the defendant is an inhabitant or wherever the defendant may be found.

''(4) INVESTIGATORY POWERS.—For purposes of bringing any civil action under paragraph (1), nothing in this Act shall prevent the attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(5) EFFECT ON STATE COURT PROCEEDINGS.—Nothing contained in this subsection shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State.

''(6) LIMITATION.—Whenever the Commission has instituted a civil action for violation of this section or any rule or regulation thereunder, no State may, during the pendency of such action instituted by the Commission, institute a civil action against any defendant named in the Commission's complaint for violation of any rule as alleged in the Commission's complaint.

''(7) ACTIONS BY OTHER STATE OFFICIALS.—In addition to actions brought by an attorney general of a State under paragraph (1), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State for protection of consumers.

''(g) STATE LAW NOT PREEMPTED.—

''(1) IN GENERAL.—Nothing in this section or in the regulations prescribed under this section shall preempt any State law that imposes more restrictive requirements, regulations (including an option protecting a subscriber's choice of a provider of telephone exchange service or telephone toll service from being switched without the subscriber's express consent), damages, costs, or penalties on changes in a subscriber's service or selection of a provider of telephone exchange service or telephone toll services than are imposed under this section.

''(2) PRESERVATION OF COMMISSION AUTHORITY WITH RESPECT TO UNFAIR MARKETING OF SUBSCRIBER SELECTION FREEZES.—Notwithstanding paragraph (1), the Commission shall prescribe rules to prevent the marketing or provision in an unfair or deceptive manner of an option protecting a subscriber's choice of a provider of telephone exchange service or telephone toll service from being switched without the subscriber's express consent.

''(h) RULES OF CONSTRUCTION.—

''(1) CHANGE INCLUDES INITIAL SELECTION.—For purposes of this section, the initiation of telephone toll service to a subscriber by a telecommunications carrier shall be treated as a change in selection of a provider of telephone toll service.

''(2) ACTION BY UNAFFILIATED RESELLER NOT IMPUTED TO CARRIER.—No telecommunications carrier may be found in violation of this section solely on the basis of a violation of this section by an unaffiliated reseller of that carrier's services or facilities.

''(i) DEFINITIONS.—For purposes of this section:

''(1) SUBSCRIBER.—The term 'subscriber' means the person named on the billing statement or account, or any other person authorized to make changes in the providers of telephone exchange service or telephone toll service.

''(2) EXECUTING CARRIER.—The term 'executing carrier' means, with respect to any change in the provider of local exchange service or telephone toll service, the local exchange carrier that executed such change.

''(3) ATTORNEY GENERAL.—The term 'attorney general' means the chief legal officer of a State.''.

(b) NTIA STUDY OF THIRD-PARTY ADMINISTRATION.—Within 180 days of enactment of this Act, the National Telecommunications and Information Administration shall report to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the feasibility and desirability of establishing a neutral third-party administration system to prevent illegal changes in telephone subscriber carrier selections. The study shall include—

(1) an analysis of the cost of establishing a single national or several independent databases or clearinghouses to verify and submit changes in carrier selections;

(2) the additional cost to carriers, per change in carrier selection, to fund the ongoing operation of any or all such independent databases or clearinghouses; and

(3) the advantages and disadvantages of utilizing independent databases or clearinghouses for verifying and submitting carrier selection changes.

By Mrs. MURRAY:

S. 1085. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issued to acquire renewable resources on land subject to conservation easement; to the Committee on Finance.

THE COMMUNITY FORESTRY AND AGRICULTURE CONSERVATION ACT

Mrs. MURRAY. Mr. President, I am pleased to rise today to introduce the ''Community Forestry and Agriculture Conservation Act of 1999.''

Mr. President, all across America we are losing hundreds of thousands of acres of productive forest and agricultural land to urban uses. And with the loss of these lands, we also lose some of our ability to protect watersheds, fish and wildlife, and the rural character and economies of many communities.

Local governments and non-profit organizations, including growing numbers of land trusts, are responding to these issues, and to citizen demand that private land provide more public benefit. They have made significant progress by purchasing land outright or protecting it through conservation easements.

Unfortunately, communities and non-profits simply do not have the resources to meet public demand for open space protection. And the most traditional means of protection—outright purchase of land or conservation easements—are inadequate to protect larger tracts of forest and agricultural land.

Mr. President, the bill I am introducing today would give communities a flexible and dynamic tool to protect forest and agricultural land. In fact, some communities, including at least one in the State of Washington, are already mobilizing to take advantage of the legislation I am introducing today.

The concept behind this bill is straightforward.

Under my bill, a group of community members and leaders who are interested in protecting a tract of forest or farm land would work with one or more landowners to reach a voluntary sale agreement at fair market value.

The community group would then form a non-profit 501(c)(3) corporation with a diverse board of directors. The board of directors could include landowners, conservationists, financial and business leaders, forestry and agricultural professionals, and others interested in managing the land.

The non-profit corporation would develop an agreement on what land would be acquired and at what price.

In addition, the corporation would develop a binding management plan. The management plan would provide for continued harvest of trees and crops, but in a manner that exceeds federal and state conservation standards.

A local government would then issue tax exempt revenue bonds on behalf of the non-profit corporation to fund the acquisition of the land. The bonds would be held and serviced by the non-profit with revenue raised by the continued harvest of trees or crops in accordance with the management plan. The non-profit corporation would also hold the title to the land.

In forming the non-profit corporation, community leaders would be required to meet strict standards before bonds were issued. These standards will ensure that public benefits are achieved and abuse is prevented.

First, the non-profit corporation must draft a land management plan that exceeds state and federal law.

Second, the corporation must enter the land into a permanent conservation easement.

Third, the corporation must secure the commitment of a third party 501(c)3 organization or governmental entity to hold the conservation easement. It must also provide the third party with the financial resources needed to monitor compliance with the easement.

Last, the corporation must establish a diverse board of directors. No more than 20 percent of the board members can represent a for-profit entity that does business with the non-profit.

Mr. President, let me explain why my bill is necessary to make this new approach possible. Current law allows for the issuance of tax-exempt debt on behalf of non-profit corporations, such as hospitals and higher education facilities that require large amounts of capital. This bill ensures forest and agricultural based non-profits can enjoy the same benefits.

Once the interested parties complete the management plan, issue the bonds, acquire the land and place it in trust, landowners, local governments, the environment, and the public all benefit.

Mr. President, foresters and agricultural producers are often land-rich and cash-poor. My bill would allow landowners to capitalize some or all of their assets. It would also allow landowners to continue harvesting timber from the land but at a lower harvest level. While the non-profit could manage harvest activities on the land, it is more likely it will contract out for these services. This will allow the original landowner or other interested natural resource businesses to manage and receive economic benefits from the land. In addition, this tool will allow the landowner to escape the management problems that arise when urban growth begins to encroach on forestry or agricultural operations.

Local governments benefit by continuing to receive tax dollars that result from economic activities on the land.

And the land receives better stewardship because broad-based conservation efforts can be undertaken at a lower cost than under more traditional land acquisition methods. Through these conservation easements, non-profits will have the financial flexibility to apply lighter resource management practices on the land.

This is an important point. The lower cost of capital and non-profit land management would allow communities to increase conservation benefits. I know many landowners and companies would prefer to increase conservation practices. However, they also have to meet the demands of the bottom-line and stockholders. By reducing these financial pressures, we can provide a higher level of resource protection on these lands.

And the higher levels of resource protection can respond to the greatest environmental needs in that region. For example, in my home state of Washington, the non-profit corporation could increase buffer areas along streams to protect salmon runs and engage in habitat restoration. These steps would help my state respond to salmon listings under the Endangered Species Act.

Finally, the American people benefit the most. They will have more environmental protection and recreational opportunities without sacrificing an important part of their community's economic and tax base. This tool will also allow communities to promote local ownership of their land and to better control their destiny.

Mr. President, in the last three years, Congress and the Clinton Administration have been discussing more and more the issues of ''sprawl'' and ''livability.'' We are finally starting to see at the national level a recognition that the federal government's actions play an important role in how communities grow. These are not new ideas—they have been discussed at the local and state levels for decades. I am

pleased to see Congress and the Administration joining this discussion.

We have heard and seen many good ideas and proposals for improving the quality of life in our communities, from greater open space protection to improved transportation infrastructure. I support many of these efforts.

However, my bill addresses one aspect of this discussion that is not drawing as much attention in the press. And that is the destruction of farm and forest economies in many regions that are rapidly urbanizing. In the Puget Sound region, growth has choked the economic viability of forest and agricultural operations in many areas. Concerned citizens and governments are forced to try to save forest and farm land on a smaller, more piecemeal basis. As successful and rewarding as many of these efforts have been, we need to give communities the option to save larger tracts of land that cannot be acquired outright. By doing so, we can maintain viable farm and forest operations near growing urban areas, and help strengthen the connection between rural producers and urban consumers.

Today, Representatives DUNN and TANNER are introducing this legislation in the House. I am pleased to join their effort on this important issue by sponsoring companion legislation.

In closing, I want to emphasize that this is an approach that every Senator can support. It is bipartisan. It is voluntary. It maintains private land ownership and embraces private landowners. It limits government involvement but establishes proper enforcement to prevent abuse. It protects the environment. It provides local control.

Mr. President, I urge my colleagues to join me to pass the Community Forestry and Agriculture Conservation Act. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Community Forestry and Agriculture Conservation Act of 1999''.

SEC. 2. TREATMENT OF BONDS ISSUED TO ACQUIRE RENEWABLE RESOURCES ON LAND SUBJECT TO CONSERVATION EASEMENT.

(a) IN GENERAL.—Section 145 of the Internal Revenue Code of 1986 (defining qualified 501(c)(3) bond) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

''(e) BONDS ISSUED TO ACQUIRE RENEWABLE RESOURCES ON LAND SUBJECT TO CONSERVATION EASEMENT.—

''(1) IN GENERAL.—If—

''(A) the proceeds of any bond are used to acquire land (or a long-term lease thereof) together with any renewable resource associated with the land (including standing timber, agricultural crops, or water rights) from an unaffiliated person,

''(B) the land is subject to a conservation restriction—

''(i) which is granted in perpetuity to an unaffiliated person that is—

''(I) a 501(c)(3) organization, or

''(II) a Federal, State, or local government conservation organization,

''(ii) which meets the requirements of clauses (ii) and (iii)(II) of section 170(h)(4)(A),

''(iii) which exceeds the requirements of relevant environmental and land use statutes and regulations, and

''(iv) which obligates the owner of the land to pay the costs incurred by the holder of the conservation restriction in monitoring compliance with such restriction,

''(C) a management plan which meets the requirements of the statutes and regulations referred to in subparagraph (B)(iii) is developed for the conservation of the renewable resources, and

''(D) such bond would be a qualified 501(c)(3) bond (after the application of paragraph (2)) but for the failure to use revenues derived by the 501(c)(3) organization from the sale, lease, or other use of such resource as otherwise required by this part,

such bond shall not fail to be a qualified 501(c)(3) bond by reason of the failure to so use such revenues if the revenues which are not used as otherwise required by this part are used in a manner consistent with the stated charitable purposes of the 501(c)(3) organization.

''(2) TREATMENT OF TIMBER, ETC.—

''(A) IN GENERAL.—For purposes of subsection (a), the cost of any renewable resource acquired with proceeds of any bond described in paragraph (1) shall be treated as a cost of acquiring the land associated with the renewable resource and such land shall not be treated as used for a private business use because of the sale or leasing of the renewable resource to, or other use of the renewable resource by, an unaffiliated person to the extent that such sale, leasing, or other use does not constitute an unrelated trade or business, determined by applying section 513(a).

''(B) APPLICATION OF BOND MATURITY LIMITATION.—For purposes of section 147(b), the cost of any land or renewable resource acquired with proceeds of any bond described in paragraph (1) shall have an economic life commensurate with the economic and ecological feasibility of the financing of such land or renewable resource.

''(C) UNAFFILIATED PERSON.—For purposes of this subsection, the term 'unaffiliated person' means any person who controls not more than 20 percent of the governing body of another person.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued after the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 26

At the request of Mr. FEINGOLD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 26, a bill entitled the ''Bipartisan Campaign Reform Act of 1999''.

S. 135

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 135, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for the health insurance costs of self-employed individuals, and for other purposes.

S. 247

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 247, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 296

At the request of Mr. FRIST, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 309

At the request of Mr. MCCAIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 344

At the request of Mr. BOND, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 344, a biil to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 345

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 348

At the request of Ms. SNOWE, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 409

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 409, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 512

At the request of Mr. GORTON, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 541

At the request of Ms. COLLINS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 541, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 573

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 573, a bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health-care-related information, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights.

S. 580

At the request of Mr. FRIST, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 580, a bill to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research.

S. 620

At the request of Mr. SARBANES, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 620, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 625

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 625, a bill to amend title 11, United States Code, and for other purposes.

S. 636

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 636, a bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans.

S. 706

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 706, a bill to create a National Museum of Women's History Advisory Committee.

S. 751

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 751, a bill to combat nursing home fraud and abuse, increase protections for victims of telemarketing fraud, enhance safeguards for pension plans and health care benefit programs, and enhance penalties for crimes against seniors, and for other purposes.

S. 818

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services.

S. 820

At the request of Mr. CHAFEE, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 841

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 841, a bill to amend title XVIII of the Social Security Act to provide for coverage of outpatient prescription drugs under the medicare program.

S. 890

At the request of Mr. WELLSTONE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

S. 902

At the request of Mr. TORRICELLI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 902, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 918

At the request of Mr. KERRY, the names of the Senator from Ohio (Mr. DEWINE), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. WYDEN) was withdrawn as a cosponsor of S. 918, supra.

S. 1007

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1007, a bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

S. 1067

At the request of Mr. ROCKEFELLER, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1067, a bill to promote the adoption of children with special needs.

S. 1070

At the request of Mr. BOND, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

AMENDMENT NO. 355

At the request of Mr. FRIST, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of Amendment No. 355 proposed to S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

AMENDMENT NO. 358

At the request of Mr. WELLSTONE, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of Amendment No. 358 proposed to S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 358 proposed to S. 254, supra.

AMENDMENT NO. 361

At the request of Mr. ROBB, his name was added as a cosponsor of amendment No. 361 proposed to S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

At the request of Mr. SESSIONS, his name was added as a cosponsor of Amendment No. 361 proposed to S. 254, supra.

AMENDMENTS SUBMITTED

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

LAUTENBERG (AND KERREY) AMENDMENT NO. 362

Mr. LAUTENBERG (for himself and Mr. KERREY) proposed an amendment